NOVEMBER
2020

1868 Ogden Drive Project

Draft Environmental Impact Report

City of Burlingame

ICF

DRAFT ENVIRONMENTAL IMPACT REPORT

1868 OGDEN DRIVE PROJECT

PREPARED FOR:

City of Burlingame
501 Primrose Road
Burlingame, CA 94010
Contact: Catherine Keylon, Senior Planner
(650) 558-7252

PREPARED BY:

ICF
201 Mission Street, Suite 1500
San Francisco, CA 94105
Contact: Leo Mena, Senior Environmental Planner
(415) 677-7170

November 2020

ICF. 2020. *1868 Ogden Drive Project Draft Environmental Impact Report.* November. (ICF 00091.20.) San Francisco, CA. Prepared for the City of Burlingame, Burlingame, CA.

Contents

Tables

Figures

Acronyms and Abbreviations

2040 General Plan	Envision Burlingame Draft General Plan
AB	Assembly Bill
ABAG	Association of Bay Area Governments
ADT	average daily traffic
AEP	Association of Environmental Professionals
ALUC	Airport Land Use Commission
ALUCP	Airport Land Use Compatibility Plan
BAAQMD	Bay Area Air Quality Management District
BART	Bay Area Rapid Transit
bgs	below the ground surface
BMP	best management practice
BMR	below-market-rate
BPD	Burlingame Police Department
BSD	Burlingame School District
CAAQS	California Ambient Air Quality Standards
CAFE	Corporate Average Fuel Economy
CAL FIRE	California Department of Forestry and Fire Protection
Cal/OSHA	California Division of Occupational Safety and Health
CalEEMod	California Emissions Estimator Model
CalEPA	California Environmental Protection Agency
CALGreen	California Green Building Standards Code
CalRecycle	California Department of Resources Recycling and Recovery
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CBIA v. BAAQMD	California Building Industry Association vs. Bay Area Air Quality Management District
CCE	community-choice energy
CCFD	Central County Fire Department
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
CEQA Guidelines	CEQA Air Quality Guidelines
CFR	Code of Federal Regulations
City	City of Burlingame
CMP	Congestion Management Program
CNDDB	California Natural Diversity Database
CNEL	community noise equivalent level
CNPS	California Native Plant Society
CO	carbon monoxide
CPS-SLIC	Cleanup Program Site – Spills, Leaks, Investigations and Cleanup
CRHR	California Register of Historical Resources
CUPA	Certified Unified Program Agency
CWA	Clean Water Act
dB	decibel

DOT	Department of Transportation
DTSC	California Department of Toxic Substances Control
EDR	Environmental Data Resources
EIR	Environmental Impact Report
EO	Executive Order
EPA	Environmental Protection Agency
FAA	Federal Aviation Administration
Farmland	Prime Farmland, Unique Farmland, or Farmland of Statewide Importance
FEMA	Federal Emergency Management Agency
FHSZ	Fire Hazard Severity Zone
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Map
GHG	greenhouse gas
gpd	gallons per day
gsf	gross square feet
GSP	groundwater sustainability plan
HAZNET	Facility and Manifest Data
HRA	health risk assessment
HVAC	heating, ventilation, and air-conditioning
HWTS	Hazardous Waste Tracking System
IPaC	Information for Planning and Consultation
IRP	Integrated Resource Plan
JPA	Joint Powers Authority
LCFS	low-carbon fuel standard
Ldn	day-night level
Leq	equivalent sound level
LID	low-impact development
Lmax	maximum sound level
LOP	Local Oversight Program
LOS	level-of-service
LRA	Local Responsibility Area
LUST	Leaking Underground Storage Tank
MBTA	Migratory Bird Treaty Act
Millbrae Station	Millbrae Multimodal Transit Center
MRP	Municipal Regional Permit
MRZ	Mineral Resource Zones
MS4	Municipal Separate Storm Sewer Systems
MTC	Metropolitan Transportation Commission
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NBMU	North Burlingame Mixed-Use
NFIP	National Flood Insurance Program
NFWA	National Farm Workers Association
NHTSA	National Highway Traffic Safety Administration
NOD	Notice of Determination

NOP	Notice of Preparation
NOx	nitrogen oxides
NRHP	National Register of Historic Places
NWIC	Northwestern Information Center
PCE	Peninsula Clean Energy
PG&E	Pacific Gas & Electric
Planning Division	Community Development Department Planning Division
PM	particulate matter
PM10	PM emissions diameters equal to or less than 10 microns
PM2.5	PM emissions diameters equal to or less than 2.5 microns
Porter-Cologne Act	Porter-Cologne Water Quality Control Act of 1969
ppd	pounds person per day
PPV	peak particle velocity
PRC	California Public Resources Code
Project	1868 Ogden Drive Project
Qc	Colma Formation
RCNM	roadway construction noise model
RCRA	Resource Conservation and Recovery Act of 1976
Regional Water Board	Regional Water Quality Control Board
Register	Burlingame Historic Resources Register
ROG	reactive organic gas
RPS	Renewables Portfolio Standard
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
RWS	Regional Water System
SAFE	Safer Affordable Fuel-Efficient
SamTrans	San Mateo County Transit District
SB	Senate Bill
SCS	sustainable communities strategies
SFBAAB	San Francisco Bay Area Air Basin
SFO	San Francisco International Airport
SFPUC	San Francisco Public Utilities Commission
SGMA	Sustainable Groundwater Management Act of 2014
SHPO	State Historic Preservation Officer
SIP	State Implementation Plan
SLCP Reduction Strategy	Short-Lived Climate Pollutants Reduction Strategy
SLF	Sacred Lands File
SMUHSD	San Mateo Union High School District
SRA	State Responsibility Area
State Route 82	El Camino Real
TAC	toxic air contaminant
TDM	transportation demand management
Teamsters	Western Conference of Teamsters
TIA	Transportation Impact Analysis
TMDL	total maximum daily load
TPA	Transit Priority Area

TSCA	Toxic Substances Control Act
U.S.C.	United States Code
UFWOC/UFW	United Farm Workers Organizing Committee
USGS	U.S. Geological Survey
UWMP	Urban Water Management Plan
VMT	vehicle miles traveled
Wat. Code	California Water Code
WDR	waste discharge requirement
WWTP	wastewater treatment plant

Chapter 1
Introduction

This chapter presents a summary of the 1868 Ogden Drive Project (Project), outlines the purpose of this Draft Environmental Impact Report (EIR), summarizes the environmental review process, and describes the organization of this Draft EIR.

1.1 Project Summary

The applicant for the Project proposes to redevelop a 0.89-acre parcel within the city of Burlingame at 1868 and 1870 Ogden Drive with a new residential building. All existing features associated with the Project site would be removed, including a one-story office building. The Project would include construction of a six-story, 69-foot-high[1] residential building with 120 residential units and 150 parking spaces on two levels (one below grade and one at grade). Six of these residential units would be below-market-rate (BMR) units.[2] The Project would also include a public plaza, common open space, and private open space. In addition, the Project would include 81 bicycle parking spaces for residents and 12 bicycle parking spaces for guests. The basement of the proposed building would include vehicle and bicycle parking; the ground floor would include vehicle and bicycle parking, a lobby, a community space, and a public plaza; the second floor would include residential units, a residential community space, and a podium; the third floor would include residential units and a common deck; and the fourth to sixth floors would include residential units.

1.2 Purpose of This Draft Environmental Impact Report

This Draft EIR has been prepared by the City of Burlingame (City) Community Development Department Planning Division (Planning Division), the lead agency for the Project, in compliance with the provisions of the California Environmental Quality Act (CEQA) and the CEQA Guidelines, which are contained in California Public Resources Code (PRC) Division 13 Section 21000 et seq. and Title 14 of the California Code of Regulations (CCR) Section 15000 et seq. The lead agency is the public agency that has principal responsibility for carrying out or approving a project.

As stated in CEQA Guidelines Section 15121(a), an EIR is an informational document. It is intended to inform public-agency decision-makers as well as the public about the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to a project.

This Draft EIR assesses potentially significant impacts, which, as defined in CEQA Guidelines Section 15382, are substantial, or potentially substantial, adverse changes in any of the physical conditions, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance, within an area affected by a project.

[1] Measured to the top of the parapet. The height to the top of the elevator penthouse is 76 feet.

[2] BMR units are for low-income households (i.e., income does not exceed 80 percent of the average median income).

Per CEQA Guidelines Section 15146, the degree of specificity required in an EIR should "correspond to the degree of specificity involved in the underlying activity described in the EIR." According to CEQA Guidelines Section 15161, this document is a project-level Draft EIR, defined as an EIR that examines the physical environmental impacts of a specific development project.

Before any discretionary approvals can be granted for the Project, the City Planning Commission must certify that the Draft EIR was completed in compliance with CEQA, that the decision-making body reviewed and considered the information in the Final EIR, and that the EIR reflects the City's independent judgment and analysis. EIR adequacy is defined in CEQA Guidelines Section 15151 as follows: "An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information that enables them to make a decision that intelligently takes account of environmental consequences."

CEQA requires that public agencies not approve projects until all feasible means available have been employed to substantially lessen the significant environmental effects of such projects. City decision-makers will use the certified EIR, along with other information and public processes, to determine whether to approve, modify, or deny the proposed Project or require any feasible mitigation measures as conditions of Project approval.

1.3 Environmental Review Process

The environmental review process for the proposed Project includes a number of steps.

- Publishing and circulating a Notice of Preparation (NOP) for public comment.
- Publishing this Draft EIR for public review and comment.
- Preparing and publishing responses to public and agency comments on this Draft EIR.
- Certifying the Final EIR.

These steps are further described below.

1.3.1 Notice of Preparation

The City's Planning Division issued an NOP of an EIR for the proposed Project on July 10, 2020, in compliance with CEQA Guidelines Sections 15082(a), 15103, and 15375. The NOP review period began on July 10, 2020 and concluded on August 10, 2020. The Planning Division received four comment letters from interested parties during the public review and comment period. The Planning Division considered the comments made by the public in preparation of this Draft EIR for the proposed Project. Comments on the NOP, included as Appendix A to this Draft EIR, raised the issues listed below.

1.3.1.1 Biological Resources

- Consider the potential impact from artificial lighting, including the significant and adverse effect on biological resources. Recommendation to eliminate non-essential artificial lighting; if necessary, limit the use. Provide shielding, cast the light downward, and avoid spillover.
- Consider the potential impact from bird collisions against exterior building windows. Recommendation to incorporate visual cues to exterior windows.

- Consider impacts on nesting birds during construction. Recommendation to conduct nesting bird surveys and nesting bird buffers.
- Pay California Department of Fish and Wildlife filing fees.

1.3.1.2 Cultural and Tribal Resources

- Compliance with Assembly Bill 52.
- Recommendation to consult with California Native American tribes that are traditionally and culturally affiliated with the geographic area of the Project.

1.3.1.3 Land Use

- Assess potential impacts related to noise, height/airspace protection, safety and overflight compatibility criteria, and policies contained in the 2012 Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport.

1.3.1.4 Transportation

- Prepare a vehicle miles traveled analysis pursuant to Office of Planning and Research guidelines.
- Include an illustration of walking, biking, and automobile conditions and identify potential safety issues.
- Consider the primary and secondary effects on pedestrians, bicyclists, travelers with disabilities, and transit performance.
- Clarify if the Project is within a Transit Priority Area.
- Include a Transportation Demand Management Program.
- Estimate the cost of transit and active transportation improvements necessitated by the Project; viable funding sources, such as the City's existing development and/or transportation impact fee programs, should also be identified.
- The Project's fair-share contribution, financing, scheduling, implementation responsibilities, and lead agency monitoring should be fully discussed for all proposed mitigation measures.

1.3.2 Draft Environmental Impact Report

This Draft EIR has been prepared on behalf of the City, the lead agency, in accordance with CEQA requirements. It analyzes the physical environmental impacts of construction and operation of the Project as well as the Project's contribution to environmental impacts from foreseeable cumulative development in the Project vicinity and the city as a whole. This Draft EIR considers all environmental topic areas specified in Appendix G of the CEQA Guidelines and takes into consideration NOP comments.

Because of the current COVID-19 social-distancing requirements, including the order from San Mateo County to adhere to such requirements, copies of this Draft EIR, all documents referenced in this Draft EIR, and the distribution list for the Draft EIR are available for public review at the address listed below by appointment only.[3]

[3] To schedule an appointment, email Catherine Keylon at ckeylon@burlingame.org.

City of Burlingame
Community Development Department Planning Division
501 Primrose Road
Burlingame, CA 94010

This Draft EIR is also available for viewing or downloading at:
https://www.burlingame.org/business_detail_T54_R136.php.

How to Comment on the Draft Environmental Impact Report

On November 23, 2020, the City filed a Notice of Completion with the State Clearinghouse, indicating that this Draft EIR was completed and available for review and comment. This Draft EIR will be available for review by the public and interested parties, agencies, and organizations for a period of at least 45 days, as required by California law. Pursuant to PRC Section 21091(d)(3), the City will accept email comments in lieu of mailed or hand-delivered comments. Reviewers should focus on the document's adequacy in identifying and analyzing the Project's significant effects on the environment and ways in which the significant effects of the Project might be avoided or mitigated (per Title 14 CCR Section 15204[a]).

The review period (49 days) for this Draft EIR is from November 23, 2020, to January 11, 2021. Comments should be submitted in writing during this review period to:

Catherine Keylon, Senior Planner
City of Burlingame
Community Development Department Planning Division
501 Primrose Road
Burlingame, CA 94010
ckeylon@burlingame.org

There will be a public hearing before the Planning Commission during the 49-day public review and comment period for this Draft EIR to solicit oral comments on the adequacy and accuracy of the information presented in this Draft EIR. The Planning Commission's public hearing for this Draft EIR has been tentatively scheduled for December 14, 2020.

1.3.3 Final Environmental Impact Report

Following the close of the public review and comment period for the Draft EIR, the City will prepare responses to comments. This will include a summary of oral comments and a copy of all written comments received on this Draft EIR. It will also include the City's responses to the comments and any necessary changes to the text. Responses to comments will be prepared and published in a Final EIR, which will be available to all commenting agencies at least 10 days prior to the certification hearing, in accordance with CEQA requirements. The Planning Commission will review the Final EIR and determine whether it provides a full and adequate appraisal of the Project and its alternatives.

In addition to reviewing the Final EIR for adequacy, the Planning Commission will certify that the document has been completed in compliance with CEQA and that it reflects the City's independent judgment, pursuant to the requirements of CEQA Guidelines Section 15090. The City will consider certification of the Final EIR and then consider the Project separately for approval or denial. Findings on the feasibility of avoiding or reducing the Project's significant environmental effects will be made, and, if necessary, a Statement of Overriding Considerations will be prepared, balancing the benefits achieved

by the Project against its unavoidable environmental impacts, should the City choose to approve the Project with remaining significant impacts that cannot be avoided.

If the City approves the proposed Project, a Notice of Determination (NOD) will be prepared and filed with the State Clearinghouse. The NOD will include a description of the Project as well as the date of approval and indicate whether the Findings and a Statement of Overriding Considerations were prepared. The NOD will also provide the address where the Final EIR and record of Project approval will be available for review.

1.4 Report Organization

This Draft EIR is organized into the following chapters:

- Chapter 1, *Introduction*, summarizes the purpose and organization of the Draft EIR and the environmental review process.
- Chapter 2, *Executive Summary*, summarizes the Project and the environmental consequences that would result from implementation of the Project (i.e., significant and unavoidable impacts that cannot be mitigated to a level of less than significant, impacts that would be reduced to a level of less than significant through mitigation, and impacts that were determined not to be significant), the alternatives to the Project that were analyzed, and a summary table of Project impacts and mitigation measures.
- Chapter 3, *Project Description*, describes the existing setting, the Project applicant's objectives, the Project, and required approvals and actions, including the agencies involved in the actions.
- Chapter 4, *Environmental Setting, Impacts, and Mitigation*, is structured as follows:
    - Section 4.1, *Approach to Environmental Analysis*, presents the methodology for environmental analysis, including a list of baseline projects and cumulative projects.
    - Section 4.2, *Cultural Resources (Built Resources),* is specifically devoted to this environmental topic. It describes the environmental setting, including applicable plans and policies; provides an analysis of the potential environmental impacts of the Project as well as cumulative impacts; and identifies mitigation measures to reduce significant impacts.
    - Section 4.3, *Less-than-Significant Impacts*, summarizes the environmental effects that were found not to be significant. The following topics are analyzed:
        - Aesthetics
        - Agricultural and Forest Resources
        - Air Quality
        - Biological Resources
        - Cultural Resources (Archaeological Resources and Human Remains)
        - Energy
        - Geology and Soils
        - Greenhouse Gas Emissions
        - Hazards and Hazardous Materials
        - Hydrology and Water Quality

  - Land Use
  - Mineral Resources
  - Noise
  - Population and Housing
  - Public Services
  - Recreation
  - Transportation
  - Tribal Cultural Resources
  - Utilities
  - Wildfire

- Chapter 5, *Alternatives*, summarizes two alternatives to the Project and the comparative environmental consequences and benefits of each alternative. The No-Project Alternative and one additional alternative are analyzed. This chapter also identifies the environmentally superior alternative as well as any alternatives that were considered for analysis but rejected, along with the reasons for their rejection.
- Chapter 6, *Other CEQA Considerations*, contains a discussion of the mandatory findings of significance, including cumulative impacts; growth-inducing impacts; significant impacts that cannot be avoided; significant irreversible environmental changes; areas of known controversy; and Project-related issues that have not been resolved.
- Chapter 7, *Report Preparers*, identifies the lead agency, organizations, and individuals consulted during preparation of this Draft EIR. In addition, the Project applicant team and consultants who worked on this EIR are identified.

Appendices to this Draft EIR are as follows:

Appendix A, Notice of Preparation and Comments

Appendix B, Transportation Impact Analysis and Transportation Demand Management Plan

Appendix C, Department of Parks and Recreation Forms

Appendix D, Supporting Air Quality and Greenhouse Gas Information

Appendix E, Assembly Bill 52 Consultation Materials

Appendix F, Traffic Noise Data Tables

Chapter 2
Executive Summary

This summary chapter is intended to highlight major areas of importance in the environmental analysis as required by California Environmental Quality Act (CEQA) Guidelines Section 15123. This chapter briefly summarizes the 1868 Ogden Drive Project (Project). Following the summary description of the Project, a summary table presents the environmental impacts of the Project, and mitigation measures identified to reduce significant impacts. Following the summary table is a description of the alternatives to the Project that are addressed in this draft EIR, including a description of the environmentally superior alternative. The final subsection in this chapter is a summary of environmental issues to be resolved and areas of known controversy.

2.1 Summary Description

This Draft EIR analyzes the potential for environmental impacts resulting from implementation of the proposed 1868 Ogden Drive Project. The Project site is in the city of Burlingame, which is located to the south of the city of Millbrae and to the north of the city of San Mateo. The site is located near multiple major transportation routes, including U.S. 101, Interstate 280, and the Caltrain corridor. The Project site is within the North Burlingame Mixed-Use (NBMU) planning area, which provides a distinct, defining area at the city's north gateway on El Camino Real. The NBMU planning area is bounded by the city limits to the north, California Drive and the Caltrain corridor to the east, Trousdale Drive to the south, and Ogden Drive to the west. The Project site is a single parcel within north Burlingame, approximately 0.5 mile from the Millbrae Multimodal Transit Center, which provides Caltrain, Bay Area Rapid Transit (BART), San Mateo County Transit District (SamTrans), and additional transit and shuttle services. Approvals required for the Project include design review for construction; City of Burlingame Planning Commission approval of community benefit bonuses for Tier 3 projects; a conditional use permit for tandem parking; a condominium permit; and approval of the subdivision map.

The Project would include construction of a six-story, 69-foot-high[1] residential building in the place of an existing one-story office building. The building would have 120 units and 150 parking spaces on two levels (one below grade and one at grade). The residential units would include 35 studio units, 30 one-bedroom units, and 55 two-bedroom units. Six of the residential units would be below-market-rate (BMR) units.[2] The Project would also include a public plaza, common open space, and private open space. The basement of the proposed building would include vehicle and bicycle parking; the ground floor would include vehicle and bicycle parking, a lobby, a community space, and a public plaza; the second floor would include residential units, a residential community space, and a podium; the third floor would include residential units and a common deck; and the fourth to sixth floors would include residential units. Construction of the Project is expected to commence in January 2022 and conclude in September 2023. Refer to Chapter 3, *Project Description*, for a detailed description of the Project's components.

[1] Measured to the top of the parapet. The height to the top of the elevator penthouse is 76 feet.

[2] BMR units are for low-income households (i.e., income does not exceed 80 percent of the average median income).

The Project site is within the City of Burlingame's NBMU land use designation. According to the 2040 General Plan, the NBMU land use designation creates a high-intensity development node within walking distance of the Millbrae Multimodal Transit Center. High-density residential is a permitted use within the NBMU land use designation.[3] The City of Burlingame Municipal Code was updated to include a new interim zoning designation, NBMU, which implements the 2040 General Plan NBMU designation (see Chapter 25.40). The Project site falls within the NBMU zoning designation. The NBMU zone is a transit-oriented development district that accommodates housing at progressively higher densities, based on the level of community benefit provided, with the goal of ensuring that new development adds value for all in the city. Development projects within this zone must fulfill specific interim standards, which are currently being processed for permanent adoption.[4] Development projects may be categorized as any one of three tiers, ranging from Base Standard Intensity (Tier 1) to Maximum Intensity (Tier 3). The Project is proposed as a Tier 3 project. Tier 3 projects within this zone, which may reach a maximum of seven stories, or 75 feet, fulfill specific open space and development standard thresholds as well as community benefit objectives.

2.2 1868 Ogden Drive Project Impacts and Mitigation Measures

Table 2-1 provides an overview of the following:

- Environmental impacts with the potential to occur as a result of the Project.
- Level of significance of the environmental impacts before implementation of any applicable mitigation measures.
- Mitigation measures that would avoid or reduce significant environmental impacts.
- The level of significance for each impact after the mitigation measures are implemented.

[3] City of Burlingame. 2019. *Envision Burlingame Draft General Plan.* City Council Hearing Draft. Available: https://www.burlingame.org/departments/planning/general_plan_update.php. Accessed: February 10, 2020.
[4] City of Burlingame. 2019. *North Burlingame Mixed-Use Zone – Interim Standards*. Available: https://www.burlingame.org/document_center/Planning/North%20Burlingame%20MU%20Zone_Adopted_01-07-19.pdf. Accessed: February 10, 2020.

Table 2-1. Summary of Project Impacts, Mitigation Measures, and Improvement Measures

Potential Environmental Impacts	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
Aesthetics and Vehicular Parking			
The Project meets the criteria for Transit-Oriented Projects, per Public Resources Code Section 21099; therefore, this document does not consider aesthetics or parking in determining the significance of impacts under CEQA.	No Impact	None required.	--
Agriculture			
Impact AG-1: The Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.	No Impact	None required.	--
Impact AG-2: The Project would not conflict with existing zoning for agricultural use or a Williamson Act contract.	No Impact	None required.	--
Impact AG-3: The Project would not conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code Section 12220[g]), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104[g]).	No Impact	None required.	--
Impact AG-4: The Project would not result in a loss of forestland or conversion of forestland to non-forest use.	No Impact	None required.	--
Impact AG-5: The Project would not involve other changes in the existing environment that, because of their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forestland to non-forest use.	No Impact	None required.	--

Potential Environmental Impacts	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
Air Quality			
Impact AQ-1: The Project would not conflict with or obstruct implementation of the applicable air quality plan.	Less than significant	None required.	--
Impact AQ-2: The Project could result in a cumulatively considerable net increase in any criteria pollutant for which the project region is classified as nonattainment under an applicable federal or state air quality standard.	Potentially Significant	**Mitigation Measure AQ-1: Implement BAAQMD Basic Construction Mitigation Measures.** The applicant shall require all construction contractors to implement the basic construction mitigation measures recommended by BAAQMD. The emissions reduction measures shall include, at a minimum, the following: • All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times a day. • All haul trucks shall be covered when transporting soil, sand, or other loose material offsite. • All visible mud or dirt track-out material on adjacent public roads shall be removed using wet-power vacuum-type street sweepers at least once a day. The use of dry-power sweeping is prohibited. • All vehicle speeds shall be limited to 15 miles per hour on unpaved roads. • All roadways, driveways, and sidewalks that are to be paved shall be paved as soon as possible. Building pads shall be laid as soon as possible after grading, unless seeding or soil binders are used. • All construction equipment shall be maintained and properly tuned in accordance with manufacturers' specifications. All equipment	Less than significant

Potential Environmental Impacts	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
		shall be checked by a certified visible-emissions evaluator. • Idling times shall be minimized, either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure). • Publicly visible signs shall be posted with the telephone number and name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.	
Impact AQ-3: The Project could expose sensitive receptors to substantial pollutant concentrations.	Potentially significant	**Mitigation Measure AQ-1: Implement BAAQMD Basic Construction Mitigation Measures.** See above, Impact AQ-2. **Mitigation Measure AQ-2: Use Tier 4 Equipment.** The applicant shall ensure that all off-road diesel-powered equipment used during construction is equipped with engines that meet EPA Tier 4 "final" emission standards.	Less than significant
Impact AQ-4: The Project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.	Less than Significant	None required.	--
Biological Resources			
Impact BIO-1: The Project could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.	Potentially significant	**Mitigation Measure BIO-1: Pre-construction Nesting Bird Surveys and Protection Measures** The applicant shall implement the measures that follow prior to structure demolition and tree removal or trimming. Construction shall avoid the avian nesting period (March 15 through August 31) to the extent feasible. If it is not feasible to avoid the nesting period, a	Less than significant

Potential Environmental Impacts	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
		survey for nesting birds shall be conducted by a qualified wildlife biologist no earlier than 7 days prior to construction. The area surveyed shall include all clearing/construction areas as well as areas within 250 feet of the boundaries of these areas or as otherwise determined by the biologist. In the event that an active nest is discovered, clearing/construction shall be postponed within 50 feet of a passerine nest and 250 feet of a raptor nest until the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts.	
Impact BIO-2: The Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.	No impact	None required.	--
Impact BIO-3: The Project would not have a substantial adverse effect on state or federally protected wetlands, including, but not limited to, marsh, vernal pool, coastal areas, etc., through direct removal, filling, hydrological interruption, or other means.	No impact	None required.	--
Impact BIO-4: The Project could interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	Potentially significant	**Mitigation Measure BIO-2: Implement Bird-safe Design Standards into Project Buildings and the Lighting Design.** The applicant, or contractor, shall implement the following measures to minimize hazards for birds:	Less than significant

Potential Environmental Impacts	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
		• Reduce large areas of transparent or reflective glass. • Locate water features, trees, and bird habitat away from building exteriors to reduce reflection. • Reduce or eliminate the visibility of landscaped areas behind glass. • Turn non-emergency lighting off at night, especially during bird migration season (February–May and August–November). • Include window coverings that adequately block light transmission from rooms where interior lighting is used at night and install motion sensors or controls to extinguish lights in unoccupied spaces. • Design and/or install lighting fixtures that minimize light pollution, including light trespass, over-illumination, glare, light clutter, and skyglow, and use bird-friendly colors for lighting when possible. The City of San Francisco's *Standards for Bird-safe Buildings*[5] provides an overview of building design and lighting guidelines to minimize bird/building collisions that could be used to guide the applicant.	
Impact BIO-5: The Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	No impact	None required.	--
Impact BIO-6: The Project would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.	No impact	None required.	--
Cultural Resources			

[5] City and County of San Francisco. 2011. *Standards for Bird-safe Buildings*. San Francisco Planning Department. July 14. Available: http://www.sf-planning.org/ftp/files/publications_reports/bird_safe_bldgs/Standards_for_Bird_Safe_Buildings_7-5-11.pdf. Accessed: July 17, 2020.

Potential Environmental Impacts	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
Impact CR-1: The Project would cause a substantial adverse change in the significance of a historical resource, pursuant to Section 15064.5.	Significant	**Mitigation Measure CR-1: Prepare and Submit Historical Documentation of 1868–1870 Ogden Drive** The Project sponsor shall retain a professional who meets the Secretary of the Interior's Qualification Standards for Architectural Historian or Historian (36 Code of Federal Regulations Part 61) and a photographer with demonstrated experience in Historic American Buildings Survey (HABS) photography to prepare written and photographic documentation for the building at 1868–1870 Ogden Drive. The HABS documentation package for the resource shall be reviewed and approved by the staff of the Burlingame Planning Division, which may require the services of a professionally qualified architectural historian or historian hired by the City to perform this review, prior to the issuance of any demolition, site, or construction permit for the Project. Documentation may be used in the interpretive display or signage described in Mitigation Measure CR-2. The documentation shall consist of the following: • *Historic American Buildings Survey–level Photographs*: HABS standard digital photography shall be undertaken to document the building at 1868–1870 Ogden Drive and its surrounding context. Large-format negatives are not required. The scope and number of photographs shall be reviewed and approved by the staff of the Burlingame Planning Division prior to documentation, and all photography shall be conducted according to the current National Park Service HABS standards. o The photograph set shall include the following: distant views to capture the extent and context of the resource, contextual views of each façade of the	Significant and Unavoidable

building, façade details showing the character-defining exterior features of the building, and general interior views documenting current interior conditions.
    - All views shall be referenced on a key map of the resource that includes a photograph number with an arrow to indicate the direction of the view.
    - The draft photograph contact sheets and key map shall be provided to the Burlingame Planning Division, or professionally qualified reviewer hired by the City, for review and approval to determine the final number of photographs and views for inclusion in the final dataset.
- *Written Historic American Buildings Survey Narrative Report*: A written historical narrative shall be prepared in accordance with HABS Historical Report Guidelines. The HABS historical narrative should incorporate content from the DPR 523A and 523B form set for 1868–1870 Ogden Drive. Historic photographs identified in previous studies and updated research shall also be collected, scanned as high-resolution digital files, and reproduced in the dataset.

Format of Final Dataset:

- The Project sponsor shall contact the Burlingame Historical Society; Northwest Information Center; California Historical Society; University of California, San Diego Library; and no fewer than two additional research repositories with existing collections related to labor and ethnic history in California to inquire as to whether the repositories would like to receive a hard or digital copy of the final dataset. Labeled hard copies and/or digital copies of the final photograph sets and narrative report shall be provided to these repositories in their preferred format.
- The Project sponsor shall prepare documentation, along with the final HABS dataset, for review and approval by Burlingame Planning Division staff

members that records the outreach, response, and other actions taken with regard to the repositories listed above. The documentation shall also include the research conducted to identify additional interested groups and the results of that outreach.

Mitigation Measure CR-2: Develop and Implement an Interpretive Program

The Project sponsor shall install and maintain a permanent onsite interpretive display commemorating the historical significance of the building at 1868–1870 Ogden Drive in relation to labor conflicts between the Western Conference of Teamsters and the United Farm Workers of America during the 1960s and 1970s. The interpretive program shall include the creation of a permanent display with photos of the building at 1868–1870 Ogden Drive and a description of its historical significance in a publicly accessible location on the Project site. The interpretive display can feature interactive or dynamic media, such as video, but, at a minimum, must include one display board containing narrative and visual materials to interpret the history of the building. Development of the interpretive display shall be overseen by a qualified professional who meets the Secretary of the Interior's Professional Qualification Standards (36 Code of Federal Regulations Part 61) for Historian or Architectural Historian. The Project sponsor shall prepare an outline of the format, location, and general content of the interpretive display to be reviewed and approved by Burlingame Planning Division staff members prior to issuance of a demolition permit or site permit. The Project sponsor shall submit an illustrated memorandum that specifies the format, location, content (draft text and images), specifications, and maintenance of the interpretive displays for review by the Burlingame Planning Division prior to the issuance of any building permits for the Project. The approved display shall be fabricated and installed onsite prior to the issuance of the occupancy permit for the Project.

Potential Environmental Impacts	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
Impact CR-2: The Project could cause a substantial adverse change in the significance of an archaeological resource, pursuant to Section 15064.5.	Potentially significant	**Mitigation Measure CR-3: Pre-construction Archaeological Sensitivity Training** A qualified archaeologist shall conduct a pre-construction archaeological sensitivity training session for the excavation crew. This training shall include an overview of what cultural resources are and provide information regarding why such resources are important, archaeological terms (such as site, feature, deposit), Project site history, the types of cultural resources that are likely to be uncovered during excavation, the laws that protect cultural resources, and the protocol for unanticipated discoveries (see Mitigation Measure CR-4). All crew members conducting ground disturbance shall attend archaeological sensitivity training. A sign-in sheet shall be provided to track who has attended the training. An "Alert Sheet" shall also be posted in conspicuous locations on the Project site to alert personnel to the procedures and protocols to follow any discovery of potentially significant prehistoric archaeological resources. **Mitigation Measure CR-4: Unanticipated Discovery Protocol** In the event that archaeological resources are encountered during construction, work shall be halted within 100 feet of the discovery and the area avoided until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations. If the find is determined to be potentially significant, the archaeologist, in consultation with the Native American representative, shall develop a treatment plan, which could include site avoidance, capping, or data recovery.	Less than significant

Potential Environmental Impacts	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
Impact CR-3: The Project could disturb any human remains, including those interred outside of formal cemeteries.	Potentially significant	**Mitigation Measure CR-5: Stop Work If Human Remains Are Encountered during Ground-disturbing Activities** If human remains are unearthed during construction, pursuant to Section 50977.98 of the Public Resources Code and Section 7050.5 of the State Health and Safety Code, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains. The county coroner shall be informed to evaluate the nature of the remains. If the remains are determined to be of Native American in origin, the lead agency shall work with the NAHC and the applicant to develop an agreement for treating or disposing of the human remains.	Less than significant
Energy			
Impact EN-1: The Project would not result in a potentially significant environmental impact due to the wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation.	Less than significant	None required.	--
Impact EN-2: The Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.	Less than significant	None required.	--
Geology and Soils			
Impact GEO-1: The Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:			
a. Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of	Less than significant	None required.	--

Potential Environmental Impacts	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
a known fault (refer to Division of Mines and Geology Special Publication 42)			
b. Strong seismic ground shaking	Less than significant	None required.	--
c. Seismically related ground failure, including liquefaction	Less than significant	None required.	--
d. Landslides	Less than significant	None required.	--
Impact GEO-2: The Project would not result in substantial soil erosion or the loss of topsoil.	Less than significant	None required.	--
Impact GEO-3: The Project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse.	Less than significant	None required.	--
Impact GEO-4: The Project would not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.	Less than significant	None required.	--
Impact GEO-5: The Project would not have soils that would be incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.	Less than significant	None required.	--
Impact GEO-6: The Project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	Potentially significant	**Mitigation Measure GEO-1: Stop Work in Case of Discovery of Paleontological Resources** Discovery of a paleontological specimen during any phase of the Project shall result in work stoppage in the vicinity of the find until it can be evaluated by a professional paleontologist. Should loss or damage be detected, additional protective measures or further action (e.g., resource removal), as determined by the	Less than significant

Potential Environmental Impacts	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
		professional paleontologist, shall be implemented to mitigate the impact prior to the continuation of work.	
Greenhouse Gas Emissions			
Impact GHG-1: The Project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment during construction and operation.	Less than significant	None required.	--
Impact GHG-2: The Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.	Less than significant	None required.	--
Hazards and Hazardous Materials			
Impact HAZ-1: The Project would not create a significant hazard for the public or the environment through the routine transport, use, or disposal of hazardous materials.	Less than significant	None required.	--
Impact HAZ-2: The Project would not create a significant hazard for the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.	Less than significant	None required.	--
Impact HAZ-3: The Project would not emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school.	Less than significant	None required.	--
Impact HAZ-4: The Project would not be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard for the public or the environment.	No impact	None required.	--
Impact HAZ-5: The Project would be within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, but would not result in a safety hazard or	Less than significant	None required.	--

Potential Environmental Impacts	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
excessive noise for people residing or working in the project area.			
Impact HAZ-6: The Project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.	Less than significant	None required.	--
Impact HAZ-7: The Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.	Less than significant	None required.	--
Hydrology and Water Quality			
Impact HY-1: The Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface water or groundwater quality.	Less than significant	None required.	--
Impact HY-2: The Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project would impede sustainable groundwater management of the basin.	Less than significant	None required.	--
Impact HY-3: The Project would not substantially alter the existing drainage pattern of the site or area, including through alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would			
a. Result in substantial erosion or siltation onsite or offsite;	Less than significant	None required.	--
b. Substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite;	Less than significant	None required.	--
c. Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide	Less than significant	None required.	--

Potential Environmental Impacts	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
substantial additional sources of polluted runoff; or			
d. Impede or redirect flood flows.	No impact	None required.	--
Impact HY-4: The project would not be located in a flood hazard, tsunami, or seiche zones, and risk release of pollutants due to project inundation.	Less than significant	None required.	--
Impact HY-5: The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.	Less than significant	None required.	--
Land Use			
Impact LU-1: The Project would not physically divide an established community.	Less than significant	None required.	--
Impact LU-2: The Project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.	Less than significant	None required.	--
Mineral Resources			
Impact MIN-1: The Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.	No impact	None required.	--
Impact MIN-2: The Project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.	No impact	None required.	--
Noise			
Impact NOI-1: The Project could generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.	Potentially significant	**Mitigation Measure NOI-1: Construction Noise Control Plan.** The applicant shall develop a set of site-specific noise attenuation measures. Prior to commencement of construction activities, the applicant shall submit the construction noise control plan to the City for review and approval. Noise attenuation measures shall be	Less than significant

Potential Environmental Impacts	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
		identified in the plan and implemented to reduce noise levels to the greatest extent feasible. Noise measures may include, but are not limited to, the following: • Using smaller equipment with lower horsepower or reducing the hourly utilization rate of equipment on the site to reduce noise levels at 50 feet to the allowable level. • Locating construction equipment as far as feasible from noise-sensitive uses. • Requiring that all construction equipment powered by gasoline or diesel engines have sound control devices that are at least as effective as those originally provided by the manufacturer and that all equipment be operated and maintained to minimize noise generation. • Prohibiting gasoline or diesel engines from having unmuffled exhaust systems. • Not idling inactive construction equipment for prolonged periods (i.e., more than 5 minutes). • Constructing a solid plywood barrier around the construction site and adjacent to operational businesses, residences, or other noise-sensitive land uses. • Using temporary noise control blanket barriers. • Monitoring the effectiveness of noise attenuation measures by taking noise measurements. • Using "quiet" gasoline-powered compressors or electrically powered compressors and electric rather than gasoline- or diesel-powered forklifts for small lifting.	
Impact NOI-2: The Project would not generate excessive ground-borne vibration or ground-borne noise levels.	Less than significant	None required.	--

Potential Environmental Impacts	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
Impact NOI-3: The Project would not expose people residing or working in the project area to excessive noise levels for a project located within the vicinity of a private airstrip or an airport land use plan, or where such plan has not been adopted, within two miles of a public airport or public use airport.	Less than significant	None required.	--
Population and Housing			
Impact PH-1: The Project would not induce substantial unplanned population growth in an area, either directly (for example by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).	Less than significant	None required.	--
Impact PH-2: The Project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.	No impact	None required.	--
Public Services			
Impact PS-1: The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services: a. Fire protection, b. Police protection, c. Schools, d. Parks, or e. Other public facilities.	Less than significant	None required.	--

Potential Environmental Impacts	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
Recreation			
Impact REC-1: The Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.	Less than significant	None required.	--
Impact REC-2: The Project would not include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.	Less than significant	None required.	--
Transportation			
Impact TRA-1: The Project could conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.	Potentially significant	**Mitigation Measure TRA-1: Traffic Control Plan** Prior to issuance of grading and building permits, the applicant shall submit a Traffic Control Plan to the City. The requirements of the Traffic Control Plan include, but are not limited to, the following: Truck drivers shall be notified of and required to use the most direct route between the site and U.S. 101, as determined by the City Engineering Department; all site ingress and egress shall occur only at the main driveways to the Project site; specifically designated travel routes for large vehicles shall be monitored and controlled by flaggers; warning signs, indicating frequent truck entry and exit points, shall be posted on adjacent roadways, if requested; and any debris or mud on nearby streets caused by trucks shall be monitored daily, which may require instituting a street cleaning program.	Less than significant
Impact TRA-2: The Project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).	Less than significant	None required.	--
Impact TRA-3: The Project would not substantially increase hazards due to a geometric design feature (e.g.,	Less than significant	None required.	--

Potential Environmental Impacts	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment).			
Impact TRA-4: The Project would not result in inadequate emergency access.	Less than significant	None required.	--
Tribal Cultural Resources			
Impact TCR-1: The Project could cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe and that is:			
a. Listed in, or eligible for listing in, the California Register of Historical Resources or a local register of historical resources, as defined in Public Resources Code Section 5020.1(k)	Potentially significant	**Mitigation Measure CR-3: Pre-construction Archaeological Sensitivity Training** See above, Impact CR-2. **Mitigation Measure CR-4: Unanticipated Discovery Protocol** See above, Impact CR-2. **Mitigation Measure CR-5: Stop Work If Human Remains Are Encountered during Ground-disturbing Activities** See above, Impact CR-3.	Less than significant

Potential Environmental Impacts	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	Potentially significant	**Mitigation Measure CR-3: Pre-construction Archaeological Sensitivity Training.** See above, Impact CR-2. **Mitigation Measure CR-4: Unanticipated Discovery Protocol** See above, Impact CR-2. **Mitigation Measure CR-5: Stop Work If Human Remains Are Encountered during Ground-disturbing Activities** See above, Impact CR-3.	Less than significant
Utilities and Service Systems			
Impact UT-1: The Project would not require or result in the relocation or construction of new or expanded water, wastewater treatment, or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.	Less than significant	None required.	--
Impact UT-2: The Project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during dry and multiple dry years.	Less than significant	None required.	--
Impact UT-3: The Project would not result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	Less than significant	None required.	--
Impact UT-4: The Project would not generate solid waste in excess of state or local standards or in excess of the capacity of local infrastructure or otherwise impair the attainment of solid waste reduction goals.	Less than significant	None required.	--

Potential Environmental Impacts	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
Impact UT-5: The Project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste.	Less than significant	None required.	--
Wildfire			
The Project would not be located in or near an SRA or lands classified as Very High FHSZ, and would not result in any of the following: • Substantially impair an adopted emergency response plan or emergency evacuation plan • Due to slope, prevailing winds, or other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire • Require the installation or maintenance of associated infrastructure, such as roads, fuel breaks, emergency water sources, power lines, or other utilities, that may exacerbate fire risk or that may result in temporary or ongoing impacts on the environment • Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes	No impact	None required.	--

2.2.1 Alternatives

CEQA Guidelines Section 15126.6 requires an EIR to evaluate the No Project Alternative and a reasonable range of alternatives to the project that would feasibly attain most of the Project's basic objectives, but that would also avoid or substantially reduce any identified significant environmental impacts of the Project. The Project would cause a substantial adverse change in the significance of a historical resource, pursuant to Section 15064.5 (see Section 4.2).

As described in Chapter 5, *Alternatives*, two alternatives are evaluated in this EIR:

- Alternative A, No Project Alternative
- Alternative B, Full Preservation Alternative

As described in Chapter 5, *Alternatives*, the EIR also evaluated two alternatives that were considered by the City of Burlingame but rejected. An alternative that would construct the Project at a different site was considered but rejected because this alternative would not meet the most basic Project objective, which is to construct a new building with new housing opportunities at the site at 1868 Ogden Drive. An alternative that would reduce the height of the building to either 3-, 4-,5-, or 6-floors was considered but rejected because this alternative would not substantially lessen or avoid the significant impact on a historical resource.

2.2.1.1 Alternative A: No Project Alternative

CEQA Guidelines Section 15126.6(e) requires evaluation of a "no project" alternative, stating "the purpose of describing and analyzing a no-project alternative is to allow decisions-makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project." Under the No Project Alternative, the existing land uses and site conditions at the Project site would not change. The existing one-story office building on the Project site would remain, as would the existing subterranean parking garage. There would be no tree or vegetation removal. The No Project Alternative would not preclude potential future development of the site with a range of uses that would be permitted under the NBMU land use designation and zoning district.

2.2.1.2 Alternative B: Full Preservation Alternative

Under Alternative B, the Full Preservation Alternative, the existing office building would be preserved and a second floor would be added, providing residential uses on the first and second floors. Under Alternative B, gross square footage would be significantly less compared with the proposed Project because the building that would be developed under Alternative B would have only two floors, compared with seven floors under the proposed Project.

The upper story of the building under Alternative B would be set back 30 feet from the front of the existing building. The ground floor of the existing office building would be converted to residential uses. The 14 ground-floor residential units would include six two-bedroom units, three one-bedroom units, and five studio units. The second floor would provide 10 residential units, including four two-bedroom units, three one-bedroom units, and three studio units. There would be a total of 24 residential units on the site. Because of the reduced number of units under this alternative (i.e., 24 compared with 120 under the proposed Project), it is expected that Alternative B would not include any below-market-rate units, compared with six under the proposed Project.

Alternative B would preserve the existing building, in accordance with the *Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings.* Minimal changes would be incorporated while maintaining the modernist style, cube-like massing, front stairs and landing, windows, door patterns, and exterior materials of the existing building. As mentioned above, the second floor of the building would be set back 30 feet from the façade of the ground floor; therefore, it would be only slightly visible from the public right-of-way on Ogden Drive and would not diminish the appearance of the historical building. The second floor would be designed to be architecturally consistent in appearance with the existing building. Under Alternative B, the existing building would look the same as it currently does but with the addition of an upper story.

2.2.2 Environmentally Superior Alternative

CEQA Guidelines Section 15126.6(e)(2) requires identification of an environmentally superior alternative (i.e., the alternative that has the fewest significant environmental impacts) from among the other alternatives evaluated if the proposed project has significant impacts that cannot be mitigated to a less-than-significant level. If Alternative A, the No Project Alternative, is found to be the environmentally superior alternative, the EIR must identify an environmentally superior alternative among the other alternatives.

Among the alternatives to the Project, Alternative B would offer a lower level of impact by reducing site-specific impacts. Specifically, Alternative B would require less construction and less ground disturbance, which would reduce impacts related to air quality, biological resources, cultural resources and tribal resources, paleontological resources, noise, and transportation. Most notably, because Alternative B would require full preservation of the California Registry of Historic Resources-eligible building on the site, impacts on cultural resources, specifically built resources, would be less than significant compared with the significant and unavoidable impacts under the proposed Project. Therefore, Alternative B is the environmentally superior alternative. Alternative B would also meet more of the Project objectives compared with Alternative A, the No Project Alternative.

2.2.3 Areas of Known Controversy and Issues to be Resolved

The City's Planning Division issued a NOP of an EIR for the Project on July 10, 2020, in compliance with CEQA Guidelines Sections 15082(a), 15103, and Section 15375. The NOP review period began on July 10, 2020 and concluded on August 10, 2020. The Planning Division received four comment letters from interested parties during the public review and comment period. The Planning Division has considered the comments made by the public in preparation of the Draft EIR for the Project. Comments received on the NOP pertained to potential impacts to biological resources from artificial lighting, collisions with the building exterior, and construction activities; recommendations on cultural and tribal resource consultation; potential impacts related to land use within the vicinity of an airport, and recommendations on methodology for the Project's transportation analysis. These comments were considered in the preparation of the Draft EIR. One historic building would be removed by the Project, creating a potential controversy.

Chapter 3
Project Description

3.1 Overview

The site for the 1868 Ogden Drive Project (Project) is at 1868 and 1870 Ogden Drive. The 0.89-acre parcel is currently developed with a one-story office building. Site access is provided via two driveways, one on either side of the existing building. Both driveways lead to subterranean parking. The existing structure was built in 1964. Upon Project implementation, one new building, totaling 169,232 gross square feet (gsf), would be developed with 120 residential units and 150 parking spaces

3.1.1 Project Objectives

The applicant has identified the following objectives for the Project:

- Is compatible with surrounding land uses
- Distance to the Millbrae Multimodal Transit Center is walkable
- Increases density near the El Camino Real and Caltrain transit corridors
- Provides variety and a choice of housing options by promoting housing opportunities for all
- Promotes development of housing that is attractive to prospective residents
- Reduces residential energy use by constructing new housing to California Green Building Code (CALGreen), Part 11 of Title 24, standards
- Helps meet the Housing Element objectives in the general plan

3.1.2 Project Location

The Project site is in the city of Burlingame, which is south of the city of Millbrae and north of the city of San Mateo. The site is located near major transportation routes, including U.S. 101, Interstate 280, and the Caltrain corridor.

The Project site is within the North Burlingame Mixed-Use (NBMU) planning area, which provides a distinct, defining area at the city's north gateway on El Camino Real. The NBMU planning area is bounded by the city limits to the north, California Drive and the Caltrain corridor to the east, Trousdale Drive to the south, and Ogden Drive to the west.

3.2 Existing Setting

The Project site is a single parcel within north Burlingame, approximately 0.5 mile from the Millbrae Multimodal Transit Center, which provides Caltrain, Bay Area Rapid Transit (BART), San Mateo County Transit District (SamTrans), and additional transit and shuttle services. The majority of the Project site is covered by impervious surfaces.[1] There is minimal landscaping; grass, bushes, and some trees are located in the front of the existing building.

[1] For the purpose of describing the Project site, Ogden Drive is assumed to run in a north–south direction and Trousdale Drive in an east–west direction.

The Project site is bounded by office buildings and supporting parking lots to the north and east. A residential apartment building is adjacent to the Project site, on the south; other residential apartment buildings are located across Ogden Drive, west of the Project site. In addition, Mills High School is approximately 0.1 mile from the Project site. Figure 3-1 depicts the location of the Project site.

3.2.1.1 Land Use and Zoning Designations

On January 7, 2019, the City of Burlingame (City) adopted its Envision Burlingame Draft General Plan (2040 General Plan), which updated the previous general plan, including the vision, goals, policies, and land use designations, to provide direction through 2040. The Project site is within the NBMU land use designation. According to the 2040 General Plan, the NBMU land use designation creates a high-intensity development node within walking distance of the Millbrae Multimodal Transit Center. High-density residential is a permitted use within the NBMU land use designation.[2]

The City Municipal Code was updated to include a new interim zoning designation, NBMU, which implements the 2040 General Plan NBMU designation (see Chapter 25.40). The Project site falls within the NBMU zoning designation. The NBMU zone is a transit-oriented development district that accommodates housing at progressively higher densities, based on the level of community benefit provided, with the goal of ensuring that new development adds value for all in the city. Development projects within this zone must fulfill specific interim standards, which were recently adopted to be made permanent.[3] Development projects may be categorized as any one of three tiers, ranging from Base Standard Intensity (Tier 1) to Maximum Intensity (Tier 3). The Project is proposed as a Tier 3 project. Tier 3 projects within this zone, which may reach a maximum of seven stories, or 75 feet, fulfill specific open space and development standard thresholds as well as community benefit objectives. Within this area, developments must be set back a minimum of 10 feet from the curb along the front (Ogden Drive), 15 feet on the sides, and 15 feet at the rear. In addition, developments are subject to streetscape frontage standards, which require at least 40 percent of the structure to be located at the streetscape frontage line.

3.3 Description of the Proposed Project

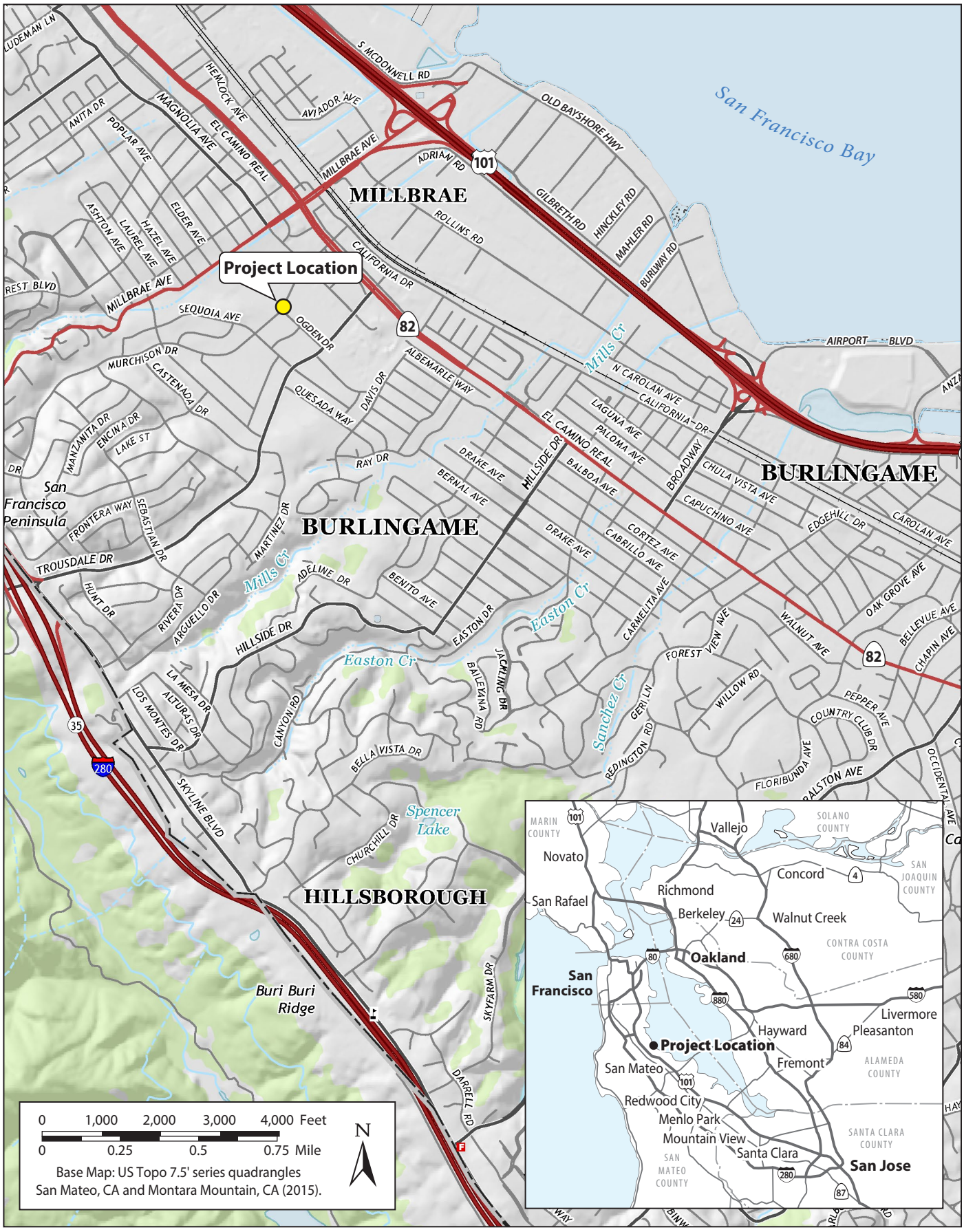
All existing features associated with the Project site would be removed, including the one-story office building. The Project would include construction of a six-story, 69-foot-high[4] residential building with 120 units and 150 parking spaces on two levels (one below grade and one at grade). The residential units would include 35 studio units (377–442 gsf), 30 one-bedroom units (647–744 gsf), and 55 two-bedroom units (918–1,133 gsf). Six of the residential units would be below-market-rate (BMR) units.[5]

[2] City of Burlingame. 2019. *Envision Burlingame Draft General Plan.* City Council Hearing Draft. Available: https://www.burlingame.org/departments/planning/general_plan_update.php. Accessed: February 10, 2020.

[3] City of Burlingame. 2019. *North Burlingame Mixed-Use Zone – Interim Standards*. Available: https://www.burlingame.org/document_center/Planning/North%20Burlingame%20MU%20Zone_Adopted_01-07-19.pdf. Accessed: February 10, 2020.

[4] Measured to the top of the parapet. The height to the top of the elevator penthouse is 76 feet.

[5] BMR units are for low-income households (i.e., income does not exceed 80 percent of the average median income).



Graphics ... 00091.20 (9-18-20) JC/TG

Figure 3-1
Project Location
1868 Ogden Drive Project

Based on the proposed number of residential units, the applicant would be required to provide a minimum of 148 parking spaces.[6] Because the Project would include 150 parking spaces, the Project would fulfill the parking requirement. Parking would be provided with use of some tandem parking (approximately 37%). The Project would also include a public plaza, common open space, and private open space. In addition, the Project would include 81 bicycle parking spaces for residents and 12 bicycle parking spaces for guests. The basement of the proposed building would include vehicle and bicycle parking; the ground floor would include vehicle and bicycle parking, a lobby, a community space, and a public plaza; the second floor would include residential units, a residential community space, and a podium; the third floor would include residential units and a common deck; and the fourth to sixth floors would include residential units. Figures 3-2 through 3-7 show the proposed site plans, elevations, and a rendering.

3.3.1 Transportation Demand Management

Transportation Demand Management (TDM) measures would be implemented as a part of the Project to reduce the number of single-occupant vehicle trips generated by the Project. A TDM plan has been prepared for the Project that includes design features, programs, and services that promote sustainable modes of transportation. The TDM plan is included in Appendix B of this document.

3.3.2 Building Design and Lighting

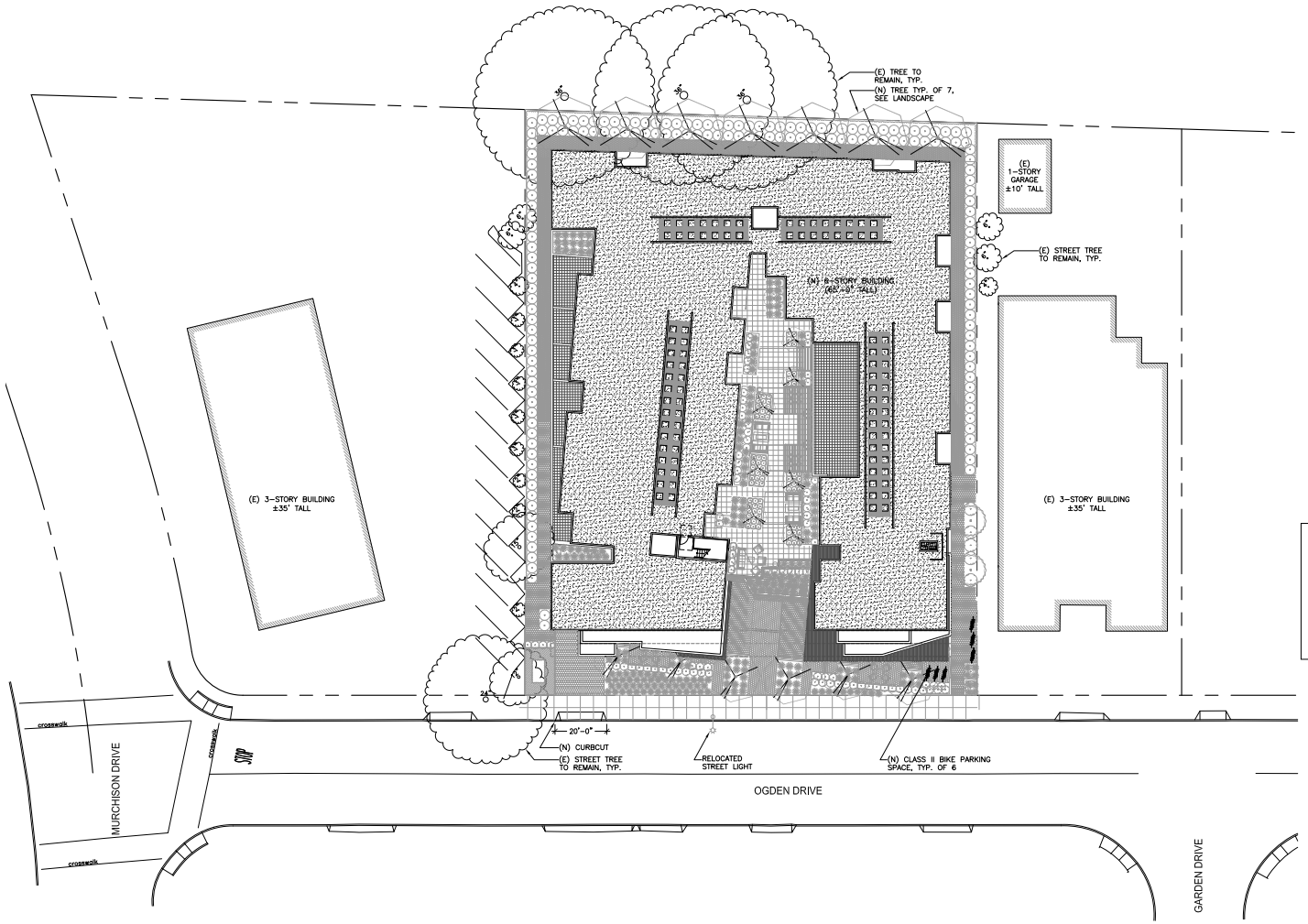
The Project would consist of a six-story building, which would front Ogden Drive. Given the height of the building, the Project would be visible from adjacent streets in the vicinity. The building exterior would be composed of cement plaster (stucco), fiber cement panels, composite panels, and metal panels. Figure 3-7 includes a visual rendering of the Project. Exterior lighting that would be a part of the Project would comply with the City Municipal Code (Section 18.16.030).

3.3.3 Landscaping, Open Space, and Amenities

There are currently 14 trees on the Project site, representing four distinct species (Bradford pear, bronze loquat, European white birch, and blackwood acacia); the 14 trees would be removed. The trees range in size from 3 to 15 inches in diameter at breast height. None of these trees are considered protected trees. Project implementation would include the planting of 23 trees throughout the Project site, in areas that would be accessible to residents of the building as well as public areas. In addition, the Project would include shrubs, grasses, vines, and other plants as a part of the Project landscaping plan, which would cover 5,541 square feet.

Open space would be included as a part of the Project in the form of common and private open space. Common open space would be located in the front and rear yards of the ground floor, including the public plaza; a podium that would be located on the second floor; and a deck that would be located on the third floor. The common open space would total 12,135 square feet.

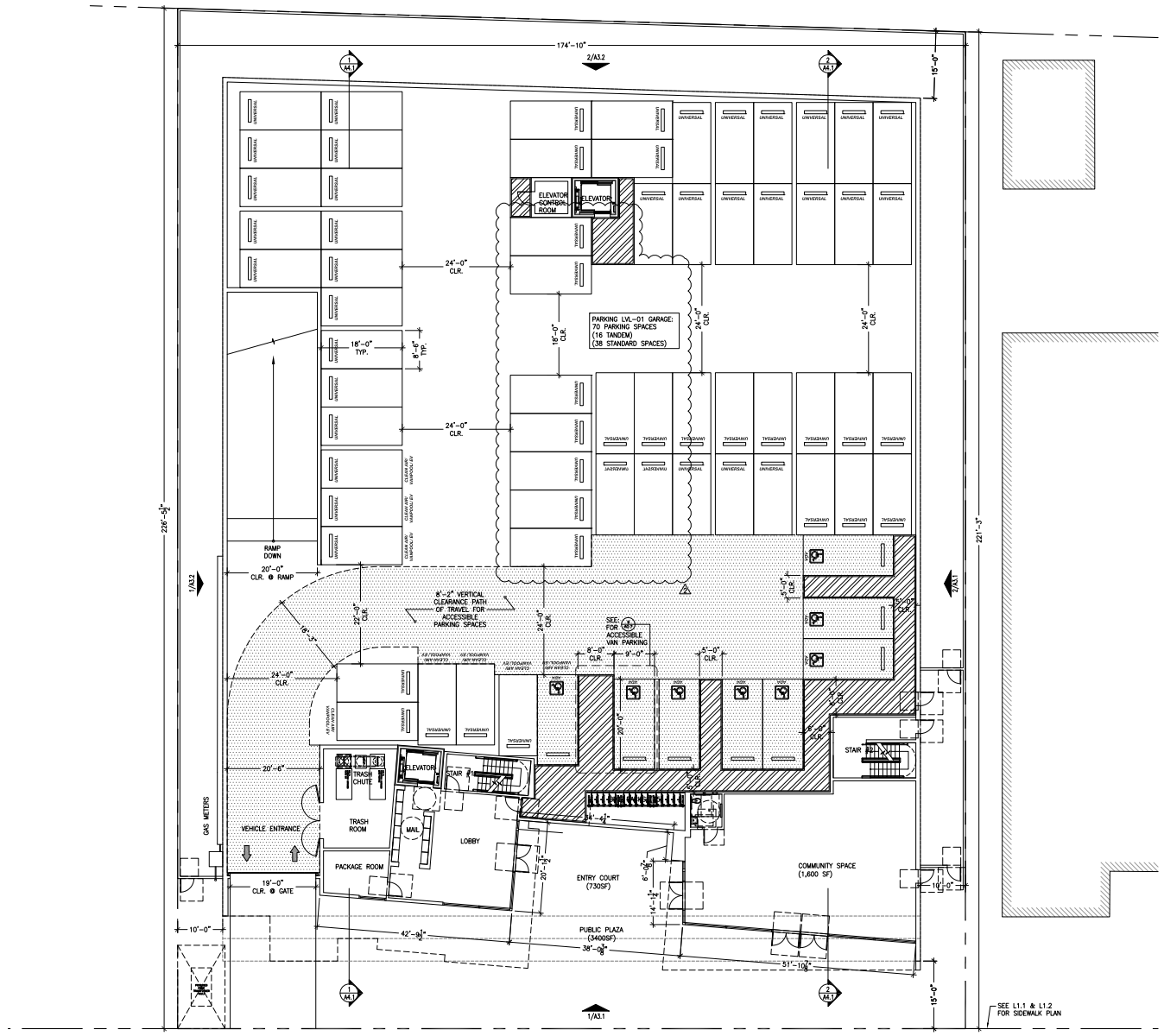
[6] Per City Municipal Code Section 25.39.050, one parking space is required for each one-bedroom unit and studio, and 1.5 parking spaces are required for each two-bedroom unit; there are no requirements for guest parking. The Project would include 35 studio units, 30 one-bedroom units, and 55 two-bedroom units. The following calculation determined that 148 parking spaces would be required: 148 parking spaces = (1 × 65) + (1.5 × 55).



Source: Levy Design Partners Inc., 2020.

Graphics ... 00091.20 [9-18-20] JC/TG

Figure 3-2
Site Plan
1868 Ogden Drive Project

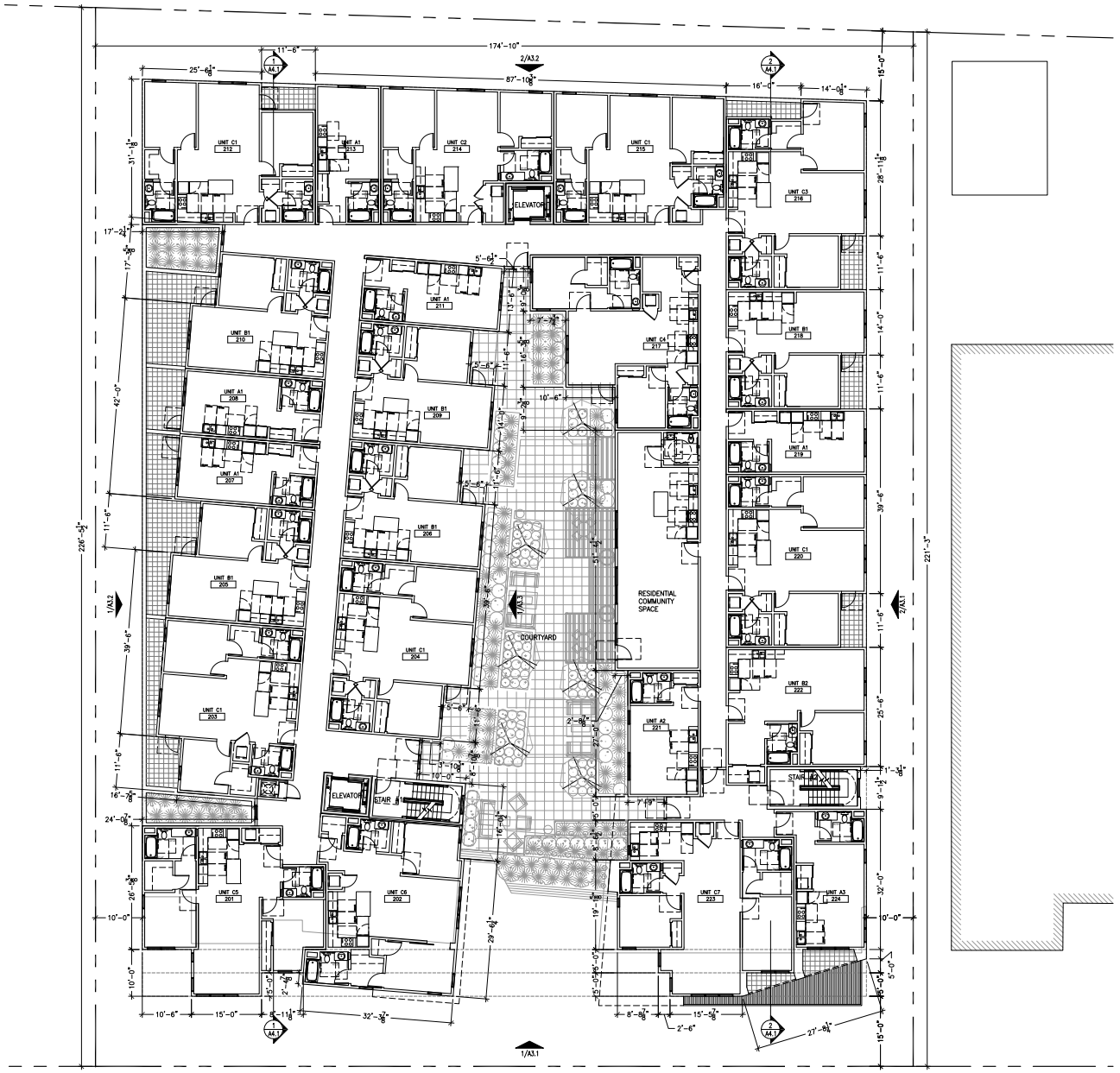


1 FLOOR PLAN: 1ST FLOOR PLAN
3/32"=1'-0"

Source: Levy Design Partners Inc., 2020.

Graphics ... 00091.20 (11-12-20) JC

Figure 3-3
Site Plan—First Floor
1868 Ogden Drive Project



Source:
Levy Design
Partners Inc., 2019.

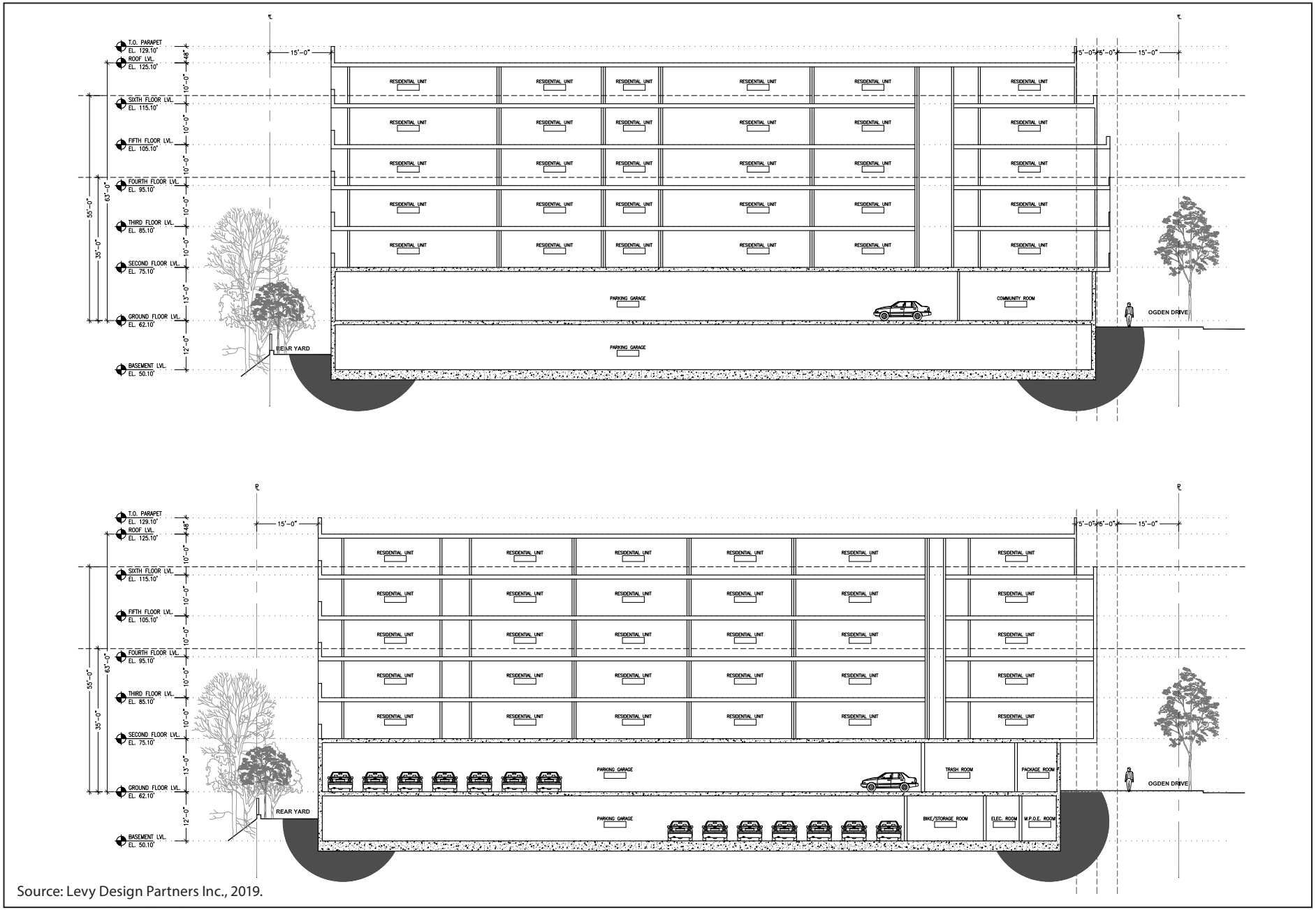
Graphics ... 00091.20 (9-18-20) JC/TG

Figure 3-4
Site Plan—Second Floor
1868 Ogden Drive Project

Source:
Levy Design
Partners Inc., 2019.

Graphics ... 00091.20 (9-18-20) JC/TG

Figure 3-5
Site Plan—Sixth Floor
1868 Ogden Drive Project



Source: Levy Design Partners Inc., 2019.

Graphics ... 00091.20 (9-18-20) JC/TG

Figure 3-6
Building Sections and Elevations
1868 Ogden Drive Project

Source: Levy Design Partners Inc., 2019.

Graphics ... 00091.20 (9-18-20) JC/TG

Figure 3-7
Rendering from Ogden Drive
1868 Ogden Drive Project

The public plaza on the ground floor would include amenities such as benches, tables, chairs, and landscaping. The podium on the second floor would include amenities such as a pergola, grills, tables, chairs, fire tables, sofas, and planters. In addition, the Project would also include private open space in the form of balconies for the units. The Project would include 44 units with balconies, providing a total of 2,783 square feet of private open space.

The Project would also include a 1,600-square-foot cultural arts space on the ground floor, which would be available for flexible programming as part of City programs. The Project would also include a separate 900-square-foot community room for private use by the residents of the building.

3.3.4 Utilities

The Project would include connections to the existing electric, cable, telephone, gas, sewer, and water utilities. All stormwater would be treated onsite in bio-retention, or flow-through, planters as well as pervious areas. The bio-retention planters would be located primarily on the second-floor podium. Water that flows through the planters would be directed to the ground floor through new storm drain lines. The ground floor would also include a bio-retention planter as well as pervious areas. The treated stormwater would then be directed to new sidewalk underdrains on Ogden Drive from the new storm drain lines; these would connect to the City's storm drain system. The Project would decrease the area of impervious surfaces at the Project site. Upon implementation, the Project is expected to reduce the area of impervious surfaces by 5,007 square feet compared with existing conditions.[7]

3.3.5 Construction

3.3.5.1 Construction Schedule and Phasing

The proposed construction methods are considered conceptual and subject to review and approval by the City. For the purposes of this environmental document, the analysis considers the construction plan described below.

Project construction is expected to commence in January 2022 and continue through September 2023, occurring during the hours permitted by City Municipal Code Section 18.07.110. The stated construction hours are:

- Weekdays: 8:00 a.m.–7:00 p.m.
- Saturdays: 9:00 a.m.–6:00 p.m.
- Sunday and Holidays: No construction allowed.

The Project would be constructed in six phases, starting in January 2022 and ending in September 2023. Construction phases would occur sequentially and would not overlap. In total, it is anticipated that Project construction would have a duration of approximately 18 to 20 months, as follows:

- Demolition: 35 work days
- Site Preparation: 14 work days
- Grading: 7 work days

[7] 5,007 square feet = 34,240 square feet (existing area of impervious surfaces) – 29,233 square feet (area of impervious surfaces upon Project implementation).

- Building Construction: 354 work days
- Paving: 18 work days
- Architectural Coating: 17 work days

3.3.5.2 Construction Equipment and Staging

Project construction would include the use of standard construction equipment (e.g., tractors, dozers, graders, cranes, forklifts). Potential construction laydown and staging areas would be located on the Project site. Although pile driving would not be required for Project construction, some pier drilling would be required. In addition, because some parking would be 12 feet below grade, excavation is anticipated to extend at least 12 feet. During the Architectural Coating phase, interior and exterior surfaces would be coated with paints that have a low level of volatile organic compounds (i.e., 50 grams of volatile organic compounds per liter of paint).

3.3.6 Lead Agency Approvals

The anticipated permits and approvals that would be required for the Project are listed below.

- Design review for construction of a six-story, 120-unit residential condominium development (City Municipal Code Section 25.40.020).
- Planning Commission approval of community benefit bonuses for Tier 3 projects (City Municipal Code Section 25.40.030[B][3]).[8]
- Conditional use permit for tandem parking (City Municipal Code Section 25.40.050[d]).
- Condominium permit (City Municipal Code Section 26.30.020).
- Subdivision Map (City Municipal Code Section 26.30).

[8] The Planning Commission may approve Tier 3 projects if it determines that a project includes at least three community benefits (see City Municipal Code Section 25.40.030).

Chapter 4
Environmental Setting, Impacts, and Mitigation

4.1 Approach to Environmental Analysis

4.1.1 Introduction to Analysis

This section describes the format for the environmental analysis in each topic section of this chapter. It also discusses the effect of California Public Resources Code (PRC) Section 21099 on the scope of California Environmental Quality Act (CEQA) analysis for the 1868 Ogden Drive Project (Project) and explains general approaches to the baseline setting and cumulative analysis in this Draft Environmental Impact Report (EIR).

4.1.2 Format of the Environmental Analysis

Section 4.2, *Cultural Resources (Built Resources),* addresses the physical environmental effects of the Project on this required CEQA environmental topic. Section 4.2 contains the following subsections: Environmental Setting, Regulatory Framework, and Impacts and Mitigation Measures, which are described below.

4.1.2.1 Environmental Setting

The Environmental Setting subsection defines and describes existing conditions on the Project site and in the vicinity as they relate specifically to built resources. The description of existing environmental conditions serves as a baseline for measuring changes to the environment that would result from the Project and determining whether those environmental effects would be significant. In general, existing conditions are the physical conditions that existed at the time when the Notice of Preparation (NOP) for the proposed Project was issued (per CEQA Guidelines Section 15125[a]).

4.1.2.2 Regulatory Framework

The Regulatory Framework subsection describes federal, state, regional, and local regulatory requirements that directly apply to built resources.

4.1.2.3 Impacts and Mitigation Measures

The Impacts and Mitigation Measures subsection describes the physical environmental impacts of the proposed Project for built resources as well as mitigation measures that could reduce potentially significant impacts to less-than-significant levels. This subsection begins with a listing of the significance criteria used to assess the severity of the environmental impacts for built resources, based on the CEQA Guidelines Appendix G checklist.

Project-level impact analysis for built resources begins with an impact statement under the Impact Evaluation discussion that reflects the applicable significance criteria. Each impact statement is keyed to a subject area abbreviation (e.g., CR for cultural resources) and an impact number (e.g., 1, 2, 3) for a combined alpha-numeric code (e.g., Impact CR-1). When potentially significant impacts are

identified, mitigation measures are presented, if feasible, to avoid, eliminate, or reduce the significant adverse impacts of the Project.

Each impact statement describes the impact that would occur without mitigation. The level of significance for the impact is indicated in parentheses at the end of the impact statement, based on the following:

- **No Impact—**No adverse physical changes to (or impacts on) the environment is expected.
- **Less than Significant—**Impact does not exceed the defined significance criteria or would be eliminated or reduced to a less-than-significant level through compliance with existing local, state, and federal laws and regulations.
- **Less than Significant with Mitigation—**Impact would be reduced to a less-than-significant level through implementation of the identified mitigation measures.
- **Significant and Unavoidable with Mitigation—**Impact exceeds the defined significance criteria but can be reduced through compliance with existing local, state, and federal laws and regulations and/or implementation of all feasible mitigation measures but cannot be reduced to a less-than-significant level.
- **Significant and Unavoidable—**Impact exceeds the defined significance criteria and cannot be eliminated or reduced to a less-than-significant level through compliance with existing local, state, and federal laws and regulations. There are no feasible mitigation measures.

4.1.2.4 Less-than-Significant Impacts

Section 4.3, *Less-than-Significant Impacts*, summarizes the environmental effects that were found not to be significant. The following topics are analyzed:

- Aesthetics
- Agricultural and Forest Resources
- Air Quality
- Biological Resources
- Cultural Resources (Archaeological Resources and Human Remains)
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities
- Wildfire

In accordance with CEQA Guidelines Section 15128, Section 4.3 briefly discusses topics in which the Project would have less-than-significant impacts or no impacts; therefore, they are not discussed in detail in the Draft EIR. For each topic listed above, Section 4.3 briefly describes the regulatory framework, significance criteria, and approach to analysis; it also gives the lead agency's reasons for determining that there would be no impact or a less-than-significant impact and provides any mitigation measures that would be needed to reduce an impact to a less-than-significant level.

4.1.3 Approach to Baseline Setting

Project development characteristics are typically compared to the existing physical environment to isolate impacts caused by a project on its surroundings. In other words, the existing condition (also referred to as the *environmental setting*) is normally the baseline against which a project's impacts are measured in determining whether impacts would be significant. Therefore, the Environmental Setting discussions in Sections 4.2 and 4.3 describe existing conditions on and around the Project site. These existing conditions are established as of the date when the NOP is published.

4.1.4 Approach to Cumulative Impact Analysis

Cumulative impacts are two or more individual effects that, when considered together, are considerable or capable of compounding or increasing environmental impacts. Individual effects may be changes resulting from a single project or a number of separate projects. Cumulative impacts are the impacts of a project in combination with other closely related past, present, and reasonably foreseeable probable future projects (per CEQA Guidelines Section 15355[a][b]).

The following factors were considered in determining the level of cumulative analysis in this Draft EIR:

- **Similar Environmental Impacts.** A relevant project contributes to effects on resources that are also affected by a proposed project. A relevant future project is defined as one that is "reasonably foreseeable," such as a proposed project for which an application has been filed with the approving agency or funding has been approved.
- **Geographic Scope and Location.** A relevant project is within a geographic area within which effects could combine. The geographic scope varies on a resource-by-resource basis. For example, the geographic scope for evaluating cumulative effects on air quality consists of the affected air basin, while the geographic scope for evaluating cumulative effects on traffic typically consists of the roadways within a reasonable distance from a project site that could carry additional vehicles as a result of vehicle trips generated by a proposed project.
- **Timing and Duration of Implementation.** Effects associated a relevant project (e.g., short-term construction or demolition or long-term operations) would very likely coincide with the related effects of a proposed project.

CEQA Guidelines Section 15130(b)(1) sets forth two primary approaches for the analysis of cumulative impacts, as follows:

- List the past, present, and probable future projects that would produce related impacts that could combine with those of a proposed project.
- Summarize projections contained in a general plan or related planning document.

This EIR relies on the second approach to analyzing impacts. It summarizes the projections contained in the City of Burlingame (City) Envision Burlingame Draft General Plan (2040 General Plan). On January 7, 2019, the City of adopted its 2040 General Plan. The Final EIR for the 2040 General Plan was prepared in October 2018.

4.2 Cultural Resources (Built Resources)

4.2.1 Introduction

This section of the Draft Environmental Impact Report (EIR) addresses the potential impacts of the 1868 Ogden Drive Project (Project) on built resources, which are defined as buildings, structures, objects, and districts. Archaeological resources, human remains, and tribal cultural resources are discussed in Section 4.3. This section also describes existing conditions at the Project site as well as the regulatory framework for this analysis. In addition, it presents impacts on built resources and specifies mitigation measures, as required, to mitigate the identified impacts.

4.2.2 Environmental Setting

The environmental setting for the Project, as it relates to built resources, consists of existing conditions as well as the relevant historical conditions of the California Environmental Quality Act (CEQA) study area, which is limited to the Project site. This section describes the general physical attributes of the built resource within the Project site (the property at 1868–1870 Ogden Drive), provides an overview of development in Burlingame as well as the subject building's historical associations, and presents a summary of the building's evaluation for California Register of Historical Resources (CRHR) eligibility, along with its status as a historical resource under CEQA. Further details on the building's characteristics, history, and CRHR evaluation are available in the Department of Parks and Recreation (DPR) form set completed for 1868–1870 Ogden Drive, which is included in Appendix C.

4.2.2.1 Property Description

The building at 1868–1870 Ogden Drive is a one-story-over-basement Midcentury Modern–style office building with a generally rectangular plan. It lies approximately two blocks west of El Camino Real (State Route 82), within a mixed-use neighborhood with one- to three-story residential and commercial office buildings. The building provides motor vehicle parking on the basement level, which is accessed from driveways on the north and south sides of the lot.

The parcel slopes downward, to the northeast (away from Ogden Drive). The building, which faces southwest, toward Ogden Drive, is set back from the street. The property has a modestly landscaped lawn area, which is partial enclosed by a low wall that functions as a retaining wall for the two driveways.

The design of the building at 1868–1870 Ogden Drive is characterized by cubic forms. The exterior walls are constructed primarily from pre-cast concrete panels. The primary (west) façade features a centered terrazzo staircase with handrails. The broad staircase leads from the public sidewalk to a platform where a deeply recessed, fully glazed entrance is sheltered by a projecting canopy. Flanking the entrance are two recessed bays with full-height, plate-glass windows. The façade on the left and right is constructed of pre-cast concrete panels that were coated in stucco and painted subsequent to the building's construction. The façade is articulated by regularly spaced vertical joints between the pre-cast concrete panels. The building is capped with a flat roof.

The building's north, south, and east (rear) façades feature a repeating pattern with projecting bays; the bays' exposed aggregate panels display a decorative stamping with rectangular forms. The roofline and pre-cast concrete floor-level platforms extend beyond the projecting bays. The bays are separated by pairings of deeply recessed, vertically oriented fixed windows. Each recessed window pairing is, in turn, separated by a narrow, vertical band of gemstone mosaic in a concrete surround. The basement parking area is punctuated by multiple entrances and exits for vehicles. Areas of solid wall are constructed from cast cinderblocks, which feature a geometric design. The cinderblocks are stacked between columns to support the building's first story.

4.2.2.2 Historic Context

Burlingame History

The city of Burlingame occupies land that was formerly two Mexican-era ranchos, Buri Buri Rancho to the north and Rancho San Mateo to the south. Once the war with Mexico concluded in 1848, the Treaty of Guadalupe Hidalgo resulted in Mexico ceding California to the United States. Mexicans who lived on existing ranchos were guaranteed property rights and allowed to remain on the land. However, the start of the California Gold Rush led to a dramatic increase in Northern California's population, which pushed Mexican landowners off their land with the influx of gold seekers.[1]

The city of Burlingame traces its origins to William C. Ralston, an established banker. Ralston discovered the Comstock Lode in the 1860s and subsequently obtained land west of El Camino Real. Using this real estate, he planned to develop a suburban tract in San Mateo County, with the vision of creating a "sacrosanct colony."[2] Ralston hosted many famous people in his home, including Anson Burlingame, a Massachusetts congressman and former United States minister to China under President Lincoln. Burlingame bought approximately 1,000 acres of land from Ralston to build a private villa. Following Anson Burlingame's premature death in 1870, Ralston bought back his land and began planning for the establishment of a new town, Burlingame, which Ralston named after his friend. He initiated survey work shortly thereafter.[3,4]

After Ralston's death, the land changed hands several times. In 1893, then-owner Francis Newlands subdivided the property and initiated construction of Burlingame Country Club and five nearby cottages. Development and growth increased in Burlingame throughout the late 1800s. However, it was the 1906 San Francisco earthquake and fire that propelled hundreds of new residents to Burlingame in search of a safer home. In 1908, Burlingame incorporated, and 2 years later, it annexed the neighboring town of Easton, which was once a part of Rancho Buri Buri.[5]

---

[1] Carey & Co. 2008. *Inventory of Historic Resources, Burlingame Downtown Specific Plan*. Available: https://www.burlingame.org/document_center/Planning/General%20and%20Specific%20Plans/Historic%20Resources%20Inventory.pdf. Accessed: March 11, 2020.

[2] Burlingame Chamber of Commerce. 2018. *History of Burlingame*. Available: https://burlingamechamber.org/life-in-burlingame/history/. Accessed: March 14, 2018.

[3] Carey & Co. 2008. *Inventory of Historic Resources, Burlingame Downtown Specific Plan*. Available: https://www.burlingame.org/document_center/Planning/General%20and%20Specific%20Plans/Historic%20Resources%20Inventory.pdf. Accessed: March 11, 2020.

[4] Burlingame Historical Society. 2018. *Explore the History of Burlingame*. Available: https://burlingamehistory.org/history-of-burlingame/. Accessed: March 11, 2020.

[5] Ibid.

In 1954, Burlingame annexed a portion of the Darius Ogden Mills estate at the city's northernmost border, spanning from Millbrae Avenue on the north to Mills Creek on the south.[6] The current site of the subject property at 1868–1870 Ogden Drive, as well as nearby parcels, was completely undeveloped at that time, even though surrounding areas of Burlingame and Millbrae were enveloped by suburban growth.[7] In the late 1950s and 1960s, however, the area surrounding the subject property developed rapidly as many commercial buildings were built.

Architect Shigenori Iyama

The building at 1868–1870 Ogden Drive was designed by architect Shigenori "Shig" Iyama (1927–1992) and his associate, Robert M. Tanaka. Iyama was an Oakland-based architect whose work is well known in Northern California. Iyama's career spanned from 1949, when he graduated from the University of California, Berkeley, until the early 1980s.[8,9] His early work appears to have largely consisted of religious buildings. These included the Lady of Mount Carmel Church (1960) in Cloverdale, St. Joseph Catholic Church (1962) in Cotati, Lincoln Avenue Executive Building (1963) in San Rafael, Vallombrosa Center Chapel (1964) in Menlo Park, a residence and chapel for Holy Redeemer College (1964) in Oakland, and St. Sylvester's Church (1966) in San Rafael. Early examples of his commercial work include the former First of California Mortgage Company building (1963) at 1330 Lincoln Avenue in San Rafael as well as the former headquarters of Woodward-Clyde-Sherard & Associates (1963) at 2811 Adeline Street in Oakland. His most noted building is the Sumitomo Bank of California (1965) in downtown Oakland, which is characterized by its distinctive application of Midcentury Modern design tenets.[10,11,12,13,14,15,16] By 1980, approximately 40 percent of his work consisted of commercial, office, or retail buildings, and only 25 percent of his work was religious.[17] He died in 1992 at the age of 65.

The Western Conference of Teamsters and the United Farm Workers of America

The building at 1868–1870 Ogden Drive was completed in 1964 as headquarters for the Western Conference of Teamsters (Teamsters), which occupied the building from 1964 until 1977. Teamster occupancy of the building occurred during the organization's long-standing labor dispute with the National Farm Workers Association (NFWA), which evolved into the United Farm Workers Organizing Committee (UFWOC or, more commonly, UFW). The NFWA was a major force in post–World War II labor activism in the United States and highly influential within the

[6] Peninsula Royalty: The Founding Families of Burlingame-Hillsborough. 2018. *Darius Ogden Mills*. Available: https://burlingamefoundingfamilies.wordpress.com/mills-introduction/darius-ogden-mills/. Accessed: March 15, 2018.

[7] National Environmental Title Research. 1946–1956. *Historic Aerials, 1868–1870 Ogden Drive*. Available: https://www.historicaerials.com/viewer. Accessed: March 11, 2020.

[8] Moore, John M. 1958. *Moore's Who Is Who in California,* page 372. Los Angeles, CA: John M. Moore.

[9] Koyl, George S. (ed.). 1962. *American Architects Directory*, page 342. New York, NY: R. R. Bowker Company.

[10] Cerny, Susan. 2007. *An Architectural Guidebook to San Francisco and the Bay Area,* pages 204, 426, 439, and 509. Salt Lake City, UT: Gibbs Smith.

[11] *Independent Journal.* 1966. "Archbishop Dedicates New Church." May 7, page 29.

[12] *Independent Journal*. 1963. "New Office Building Going Up." February 7, page 20.

[13] *Oakland Tribune*. 1963. "Office Combines Beauty, Utility." July 14, page C3.

[14] *Oakland Tribune*. 1964. "Holy Redeemer Church to Dedicate Chapel." April 24, page D17.

[15] *Petaluma Argus Courier.* 1969. "New St. Josephs Parish Building." April 12, page 5.

[16] *Shin Nichibei*. 1964 "Oakland Architect Wins Two Awards." Sept. 30, page 1.

[17] Schirmer, Henry W. 1980. *Pro File.* The Official AIAI Directory of Architectural Firms. Philadelphia, PA: Archimedia Incorporated.

emerging movement for Latino/a political and civil rights. In time, the UFW demanded a minimum wage, Social Security, and housing, health care, and educational assistance for farm laborers. Several strikes drew national attention to their cause for the first time.[18]

From the late 1960s through the late 1970s, the UFW and Teamsters waged a lengthy, violent, and occasionally deadly jurisdictional battle to decide who would represent farmworkers in California. During this period, the UFW led strikes and boycotts against major growers in California in a bid to bring about better pay and safer working conditions for farm laborers. In response, growers courted the Teamsters in a bid to undercut the UFW and obtain better terms with farmworkers. The conflicts between the UFW and Teamsters were significant.

Cesar Chavez[19] the influential Latino/a labor organizer and civil rights leader, co-founded the NFWA in 1962. From that year until his death in 1993, he spearheaded various campaigns to establish better pay and working conditions for agricultural workers. His efforts resulted in his being the recipient of numerous honors, including the Presidential Medal of Freedom in 1994.

Teamster headquarters at 1868–1870 Ogden Drive was specifically associated with the struggle of the farmworkers. It served as a negotiation site—first, between the UFW and growers and, later, between the UFW and the Teamsters themselves. The first of these negotiations took place in 1967 between the UFW and a major grower that was involved in a Delano grape strike. In the 1970s, the building again served as a negotiation site between the UFW and the Teamsters. The first negotiations were in 1973; the 1977 negotiations resulted in an agreement between the two unions that ended their decade-long fight and captured national headlines.[20,21]

The building at 1868–1870 Ogden Drive was also the site of numerous UFW demonstrations against the Teamsters. The most notable of these occurred on January 10, 1973, when a crowd of up to 500 women and children held a 5-hour demonstration, both inside and outside Teamster headquarters. Present within the group was Dolores Huerta, co-founder of the NFWA, and Jessica Govea Thorbourne, another major labor rights activist.[22,23,] Recalling the event months later, Govea Thorbourne pointed to it as an important example of the involvement of women in the UFW's 1973 grape strike.[24] At least one other demonstration took place at the subject building in May of 1973.[25]

The building at 1868–1870 Ogden Drive was bombed on April 18, 1974. The blast, which was powerful enough to be heard 4 miles away, shattered most of the building's windows and many windows in adjacent buildings. It blew a crater in the floor of the parking area and caused other

[18] California Office of Historic Preservation. 2015. *Latinos in Twentieth Century California: National Register of Historic Places Context Statement.* Sacramento, CA: California Office of Historic Preservation, page 78.

[19] National Park Service. 2012. *Cesar Chavez Special Resource Study and Environmental Assessment.* March. Available: http://www.npshistory.com/publications/cech/srs.pdf. Accessed: March 19, 2020.

[20] Levy, Jacqueline. 2007. *Cesar Chavez: Autobiography of La Causa,* page 504. Minneapolis, MN: University of Minnesota Press.

[21] Turner, Wallace. 1977. "Chavez and Teamsters Sign Accord." *New York Times.* March 11, page A1.

[22] Bernstein, Harry. 1973. "Bargaining Talks with Chavez' Union Called 'Unbelievable'. *Los Angeles Times.* January 11.

[23] Rhodes, George. 1973. "Teamsters Ignore Protest: 'Futile'". *San Francisco Examiner.* January 11.

[24] United Farm Workers. 1973. *Women in the Farm Workers Movement: An interview with Jessica Govea, Organizer for the United Farm Workers of America.* Farm Workers Movement Documentation Project. University of California, San Diego. Available: https://bit.ly/2VQh5AZ. Accessed: March 6, 2020.

[25] *El Malcriado*. 1973. "The Boycott: Bridge of Communication." May 18, page 6. Available: https://bit.ly/2TPAPSN. Accessed: March 9, 2020.

damage, both inside and outside. No injuries were reported. Teamster officials refused to speculate as to who may have been responsible for the blast but implied possible UFW involvement.[26,27,28]

4.2.2.3 Overview of CRHR Significance Evaluation

As described in Section 5024.1 of the California Public Resources Code, the CRHR criteria, which are based on the evaluative criteria established by the National Register of Historic Places (NRHP), are as follows:

- **Criterion A (Event)**: Properties associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States.
- **Criterion B (Person)**: Properties associated with the lives of persons who were important in our local, regional, or national past.
- **Criterion C (Design/Construction)**: Properties that embody the distinctive characteristics of a type, period, or method of construction or represent the work of a master or possess high artistic values.
- **Criterion D (Information Potential)**: Properties that yield, or may be likely to yield, information important in prehistory or history.

The following provides a summary of the CRHR eligibility evaluation presented in the DPR form set in Appendix C.

Criterion 1 (Event)

The subject building is significant for its association with the long struggles and, ultimately, the accomplishments of the UFW. The building served as headquarters for the UFW's chief adversary, the Teamsters, from 1964 until 1977. It had high symbolic value for the UFW and served as an important demonstration and negotiation site for the farm labor movement. It was also a meeting place for key UFW and Teamster leaders. The significance of the building is particularly reflected in the negotiations it hosted between the UFW and Teamsters as a jurisdictional struggle between the organizations unfolded during the first half of the 1970s. It was also the location where the UFW and Teamsters signed the jurisdictional agreement that ended their labor dispute, which had gone on for more than 10 years. The signing of the jurisdictional agreement in the subject building in 1977 represented a major victory for the UFW and secured more than 10,000 new members from the Teamsters.[29] As such, the building is significant under CRHR Criterion 1.

In consideration of the significance of the building at 1868–1870 Ogden Drive under CRHR Criterion 1, the resource's period of significance is 1966–1977. This period encompasses the years when negotiations and protests involving the UFW and Teamsters took place at the building, culminating in the signing of the jurisdictional agreement that ended their long-standing labor dispute; 1977 was also the year when the Teamsters vacated the building and relocated their headquarters to Los Angeles.

---

[26] *Los Angeles Times.* 1974. "Bomb Rips Western Teamsters Office, Causes $75,000 Damage." April 19.

[27] *San Francisco Examiner.* 1974. "Bomb Explosion Rocks Teamster Headquarters." April 18.

[28] *The Times.* 1974. "Bomb Shatters Teamster Hdqs." April 19.

[29] Turner, Wallace. "Chavez and Teamsters Sign Accord." *New York Times.* March 11.

Criterion 2 (Person)

The subject building is associated with numerous people, including nationally significant individuals such as Cesar Chavez, an enormously influential labor organizer within the farmworker labor rights movement of the second half of the twentieth century. However, Chavez was directly involved in events that occurred at the subject building for only a limited time. Although the analysis under Criterion 1 recognizes the importance of these events, this association does not justify the building's significance under Criterion 2. Numerous other historic register-eligible properties have more direct and more sustained connections to Chavez's life and achievements. Furthermore, the potential significance of Teamster employees, UFW protesters, and other figures who were involved in negotiations associated with the subject building is best understood through the historic events that unfolded there, which are clearly reflected through the building's significance under Criterion 1. Therefore, the subject building is not significant under CRHR Criterion 2.

Criterion 3 (Design/Construction)

The subject building was designed by Shigenori Iyama, a well-known Bay Area architect. Although Iyama has not been identified as a master design professional, he does have potential significance as an accomplished architect who worked in the Midcentury Modern style. However, despite Iyama's potential recognition as a master designer, the subject building does not represent the body of his work because its primary façade has been altered to such an extent that it no longer conveys Iyama's original design intent.

Iyama's design is still apparent to a degree through the building's Midcentury Modern characteristics. This style was a popular postwar architectural aesthetic that was applied to residential, commercial, religious, and institutional buildings alike. It emerged in the early 1950s as a replacement for the earlier Streamline Moderne style that dominated from 1935 to 1950. The building at 1868–1870 Ogden Drive contains some stylistic elements that elevate the building above more mundane examples of post–World War II office buildings and convey its design by an accomplished, trained architect—specifically, the distinctive boxed bays and the variations between the recessed full-height windows and areas of solid aggregate wall; the visual impression of intersecting planes; and the artful touches such as vertical mosaic bands, stamped designs on the secondary façades, and the geometric concrete block construction for the basement parking level. However, the addition of new cladding over the original concrete panels and mosaic bands on the building's primary façade diminishes the building's original architectural aesthetic and material palette. The changes prohibit the building from fully expressing the characteristics of its style and era, Iyama's original design, and its artistic merit. Therefore, 1868–1870 Ogden Drive is not significant under CRHR Criterion 3.

Criterion 4 (Information Potential)

CRHR Criteria 4 most commonly applies to archaeological resources. The building is a typical example of a Midcentury Modern construction. This historic context is well documented in historical sources, photographs, and other documentation. As such, the subject building would not fill any data gaps or yield information important to prehistory or history. For this reason, 1868–1870 Ogden Drive is not significant under CRHR Criterion 4.

4.2.2.4 Overview of Integrity Evaluation and Historical Status

In addition to meeting at least one of the four criteria, a property or district that is eligible for CRHR listing must retain historic integrity, meaning that it must have the ability to convey its significance through the retention of seven aspects, or qualities, that, in various combinations, define integrity:

- **Location**: The place where the historic property was constructed.
- **Design**: The combination of elements that creates the form, planes, space, structure, and style of the property.
- **Setting**: The physical environment of the historic property, inclusive of the landscape and spatial relationships of the buildings.
- **Materials**: The physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form the historic property.
- **Workmanship**: Physical evidence of the crafts of a particular culture or people during any given period in history.
- **Feeling**: The property's expression of the aesthetic or historic sense of a particular period of time.
- **Association**: The direct link between an important historic event or person and a historic property.

In consideration of its period of significance, 1966–1977, the building at 1868–1870 Ogden Drive retains integrity of location, setting, feeling, and association. It has somewhat diminished integrity of design, materials, and workmanship because of changes to interior and exterior forms and materials. These include plastering and painting the exposed aggregate panels on the building's primary façade, plastering over the gemstone mosaics flanking the main entrance, adding an access ramp at the primary entrance, and altering the interior of the building (e.g., the building's original finishes and spatial arrangements). However, the building's integrity of association remains sufficient with respect to conveying its historic use during the period of significance. The building can be clearly understood as the site where significant events related to the UFW and Teamsters transpired during the 1960s and 1970s. The building at 1868–1870 Ogden Drive retains sufficient integrity to convey its significance under CRHR Criterion 1 and is eligible for listing in the CRHR; the building is therefore a historical resource for the purposes of CEQA.

4.2.2.5 Character-Defining Features

Character-defining features are the physical attributes of a historical resource that allow it to convey its significance. Identification of character-defining features supports an understanding of how proposed modifications to a resource would affect its historical or architectural integrity and whether those modifications could materially impair the significance of the resource. In consideration of 1868–1870 Ogden Drive's significance under Criterion 1 and its period of significance, 1966–1977, its character-defining features are as follows:

- One-story-over-basement Midcentury Modern office building and its original rectangular footprint and cubic massing.
- Staircase and handrails at the building's primary entrance on Ogden Drive.

- Deeply recessed, fully glazed entrance and projecting entrance canopy.
- Pre-cast concrete panel cladding.
- Projected boxed bays on east, west, and north façades, including the exposed aggregate panels, projecting roofline, projecting floor-level platforms, and vertically oriented fixed windows.

4.2.3 Regulatory Setting

4.2.3.1 Federal

Although the proposed Project is not anticipated to require compliance with Section 106 of the National Historic Preservation Act, federal guidelines, including NRHP guidelines, related to the treatment of cultural resources are relevant for determining whether cultural resources, as defined under CEQA, are present at the subject property. The sections below summarize the relevant federal regulations and guidelines.

National Historic Preservation Act and National Register of Historic Places

Archaeological and architectural resources (buildings and structures) are protected by the National Historic Preservation Act (16 United States Code 470f), the Archaeological and Historic Preservation Act of 1974, and the Archaeological Resources Protection Act of 1979. The National Historic Preservation Act requires a review of effects on historic properties only when projects involve federal funding or permitting or occur on federal land; therefore, it is not applicable to discretionary actions at the municipal level. However, the National Historic Preservation Act establishes the NRHP, which provides a framework for resource evaluation and informs the process of determining impacts on historical resources under CEQA.

The NRHP is the nation's official comprehensive inventory of historic resources. Administered by the National Park Service, the NRHP includes buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, state, or local level. Typically, a resource that is more than 50 years of age is eligible for listing in the NRHP if it meets any one of the four eligibility criteria *and* retains sufficient historical integrity. A resource less than 50 years old may be eligible if it can be demonstrated that it is of "exceptional importance" or a contributor to a historic district. NRHP criteria are defined in *National Register Bulletin Number 15: How to Apply the National Register Criteria for Evaluation*.

Properties that are listed in the NRHP, as well as properties that are formally determined to be eligible for listing in the NRHP, are automatically listed in the CRHR and, therefore, considered historical resources under CEQA.

Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings

The *Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings* (Secretary's Standards) provide guidance for reviewing work on

historic properties.[30] Developed by the National Park Service for reviewing certified rehabilitation tax credit projects, the Secretary's Standards have been adopted by local government bodies across the country for reviewing proposed work on historic properties under local preservation ordinances. The Secretary's Standards provide a useful analytical tool for understanding and describing the potential impacts of changes to historic resources, including new construction inside or adjoining historic districts, and are used to inform CEQA review.

4.2.3.2 State

California Environmental Quality Act

CEQA, as codified in Public Resources Code Section 21000 et seq. and implemented by the CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.), is the principal statute governing the environmental review of projects in California. CEQA defines a historical resource as a property listed in, or eligible for listing in, the CRHR; included in a qualifying local register; or determined by a lead agency to be historically significant. In order to be considered a historical resource, a property must generally be at least 50 years old. Section 21084.1 of the Public Resources Code and Section 15064.5 of the CEQA Guidelines define a historical resource for purposes of CEQA.

CEQA requires lead agencies to determine if a proposed project would have a significant effect on important historical resources or unique archaeological resources. If a resource is neither a unique archaeological resource nor a historical resource, the CEQA Guidelines note that the effects of a project on that resource shall not be considered a significant effect on the environment (CEQA Guidelines Section 15064.5[c][4]). In addition, projects that comply with the Secretary's Standards benefit from a regulatory presumption under CEQA that they would have a less-than-significant impact on a historical resource (14 California Code of Regulations Section 15126.4[b][1]). Projects that do not comply with the Secretary's Standards may or may not cause a substantial adverse change in the significance of a historical resource and therefore must undergo further analysis to assess whether they would result in material impairment of a historical resource's significance.

Under CEQA, a substantial adverse change in the significance of a resource means the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be materially impaired. Actions that would materially impair the significance of a historical resource are any actions that would demolish or adversely alter the physical characteristics that convey the property's historical significance and qualify it for inclusion in the CRHR, the NRHP, or a local register or survey that meets the requirements of Public Resources Code Sections 5020.1(k) and 5024.1(g).

[30] U.S. Department of Interior. 1992. *Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings*, National Park Service, Cultural Resources, Preservation Assistance Division. The standards, revised in 1992, were codified as 36 Code of Federal Regulations (CFR) Part 68.3 in the July 12, 1995, *Federal Register* (Vol. 60, No. 133). The revision replaces the 1978 and 1983 versions of 36 CFR 68 titled *The Secretary of the Interior's Standards for Historic Preservation Projects.* The 36 CFR 68.3 standards are applied to all grant-in-aid development projects assisted through the National Historic Preservation Fund. Another set of standards, 36 CFR 67.7, focuses on "certified historic structures," as defined by the IRS Code of 1986. The standards in 36 CFR 67.7 are used primarily when property owners are seeking certification for federal tax benefits. The two sets of standards vary slightly, but the differences are primarily technical and nonsubstantive in nature. The guidelines, however, are not codified in the *Federal Register*.

California Register of Historical Resources

The CRHR is "an authoritative listing and guide to be used by state and local agencies, private groups, and citizens in identifying the existing historical resources of the state and indicating which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change" (Public Resources Code Section 5024.1[a]). The CRHR criteria are based on the NRHP criteria (Public Resources Code Section 5024.1[b]). Certain resources are determined by CEQA to be automatically included in the CRHR, including California properties formally eligible for or listed in the NRHP. To be eligible for the CRHR as a historical resource, a resource must be significant at the local, state, and/or federal level under one or more of the evaluative criteria listed above under Overview of CRHR Significance Evaluation. As for the NRHP, a significant historical resource must possess integrity, in addition to meeting the significance criteria, to be considered eligible for listing in the CRHR. Consideration of integrity for evaluation regarding CRHR eligibility follows the definitions and criteria from National Park Service *National Register Bulletin 15*.

4.2.3.3 Local

Burlingame Municipal Code

The Burlingame Municipal Code outlines the city's Historic Resource Preservation Program, which includes measures to recognize and preserve historical resources.[31] Chapter 21.04 of the code established procedures related to the preservation of historical resources listed in the Burlingame Historic Resources Register (Register). The Register resulted from a citywide inventory of historic resources in 1982, which identified 28 sites and structures that were suitable for listing.[32] Chapter 21.04 outlines the designation process by which property owners may list their buildings in the Register as well as the role of the City of Burlingame Historic Preservation Commission in reviewing proposed exterior alterations to built resources listed in the Register. Such exterior changes will be approved if they are determined consistent with the Secretary's Standards. Chapter 21.04 furthermore outlines incentives for rehabilitations that are compliant with the Secretary's Standards, including financial incentives and zoning variances.[33]

Per Chapter 21.04, the Historic Resource Preservation Program applies only to the area covered by the Burlingame Downtown Specific Plan, which is generally bounded by Oak Grove Avenue, California Drive, Anita Drive, Peninsula Avenue, and El Camino Real. The subject building at 1868–1870 Ogden Drive is not in the area covered by the Burlingame Downtown Specific Plan.

Burlingame General Plan

In 2019, the City of Burlingame (City) adopted its Envision Burlingame Draft General Plan (2040 General Plan) as an update to its existing general plan. The 2040 General Plan includes the following principle and goal related to the protection of historical resources:

[31] City of Burlingame. 2020. *Burlingame Municipal Code*. Chapter 21.04, Historic Resource Preservation. Available: http://qcode.us/codes/burlingame/view.php?topic=21-21_04&showAll=1&frames=on. Accessed: July 29, 2020.
[32] City of Burlingame. 1982. *Preliminary Historic Inventory, City of Burlingame*. Prepared for Burlingame Planning Commission review, July 26, 1982.

[33] City of Burlingame. 2020. *Burlingame Municipal Code*. Chapter 21.04, Historic Resource Preservation. Available: http://qcode.us/codes/burlingame/view.php?topic=21-21_04&showAll=1&frames=on. Accessed: July 29, 2020.

- **Principle 2: Community Character/Urban Forest:** Burlingame's physical character is defined by its cherished tree groves and urban forest, distinct neighborhoods and business districts, and historic structures and resources. The City should ensure that these features are respected and enhanced, with streetscape and architectural styles that are sensitive to long-established forms and features.
- **Goal CC-3:** Protect the character and quality of Burlingame's historical buildings, tree groves, open spaces, neighborhoods, and districts.
    - Goal CC-3 includes sub-goals related to the following: maintaining comprehensive historical resource surveys and investigating opportunities to identify additional historical resources; employing the Secretary Standards during a development review involving historical resources; promoting flexible land use standards with regard to rehabilitating historic buildings; designating historic districts; promoting the use of preservation incentives, such as the State Historic Building Code, Mills Act, and Federal Rehabilitation Tax Credit; prohibiting the demolition of registered historical resources, unless health and safety or feasibility concerns require demolition; and protecting heritage trees.[34]

4.2.4 Impacts and Mitigation Measures

4.2.4.1 Significance Criteria

Based on Appendix G of the CEQA Guidelines, as updated by the California Office of Planning and Research in December 2018, the Project would have a significant impact on cultural resources related to built resources if it would result in any of the following:

- Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.

Appendix G of the CEQA Guidelines also includes criteria impacts for cultural resources related to archaeological resources and human remains, as addressed in Section 4.3 of this Draft EIR.

4.2.4.2 Approach to Analysis

Section 15064.5(b)(1) of the CEQA Guidelines defines "substantial adverse change to a historical resource" as "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be materially impaired." Material impairment of a historical resource, as defined in CEQA Guidelines Section 15064.5(b)(2), occurs when a project "demolishes or materially alters in an adverse manner" those physical characteristics of the resource that express its significance and justify its inclusion in, or eligibility for listing in, the CRHR or a qualified local register of historical resources or evaluation as historically significant in a qualified local survey.

Project impacts are analyzed for built properties that meet the definition of historical resources, as outlined in Public Resources Code Section 21084.1 and CEQA Guidelines Section 15064.5. Per CEQA Guidelines Section 15064.5(b)(2), the analysis considers the potential for Project activities

[34] City of Burlingame. 2019. *Envision Burlingame Draft General Plan*. Available: https://www.burlingame.org/document_center/Planning/General%20and%20Specific%20Plans/BurlingameGP_Final_Nov2019_COMPLETE%20DOCUMENT.pdf. Accessed: July 29, 2020. GPP-2, CC-29 to CC-32.

to materially impair the significance of a historical resource by causing direct changes to the physical characteristics of that resource as well as by causing changes in its immediate setting.

4.2.4.3 Impact Evaluation

Impact CR-1: The Project would cause a substantial adverse change in the significance of a historical resource, pursuant to Section 15064.5. (*Significant and Unavoidable with Mitigation*)

The building at 1868–1870 Ogden Drive is a historical resource for the purposes of CEQA. The Project proposes to demolish this CRHR-eligible historical resource within the Project site. The Project would involve the destruction of all the characteristics that qualify the building for inclusion in the CRHR and therefore would be considered a substantial adverse change in the significance of the historical resource. The Project would result in a significant impact on a historic resource.

Mitigation Measures CR-1 and CR-2 would require documentation and interpretation regarding the significance of the building at 1868–1870 Ogden Drive. These measures require the applicant to create a collection of materials that would document the physical characteristics of the building and its historic context, which would be provided to publicly accessible repositories. As such, this documentation would be made available to the public to inform future research related to the significant events that took place at the building. The mitigation would partially compensate for impacts associated with the Project through documentation and memorialization of the resource. The applicant has preliminarily identified an area on the Project site where the permanent onsite interpretive display (see Mitigation Measure CR-2) could be located. However, these measures would not be enough to avoid, rectify, reduce, or compensate for the loss of the historical resource at 1868–1870 Ogden Drive. Because demolition of the building would still occur, the impact on a historical resource would remain ***significant and unavoidable*** after the application of mitigation.

Mitigation Measure CR-1: Prepare and Submit Historical Documentation of 1868–1870 Ogden Drive

The Project sponsor shall retain a professional who meets the Secretary of the Interior's Qualification Standards for Architectural Historian or Historian (36 Code of Federal Regulations Part 61) and a photographer with demonstrated experience in Historic American Buildings Survey (HABS) photography to prepare written and photographic documentation for the building at 1868–1870 Ogden Drive. The HABS documentation package for the resource shall be reviewed and approved by the staff of the Burlingame Planning Division, which may require the services of a professionally qualified architectural historian or historian hired by the City to perform this review, prior to the issuance of any demolition, site, or construction permit for the Project. Documentation may be used in the interpretive display or signage described in Mitigation Measure CR-2.

The documentation shall consist of the following:

- *Historic American Buildings Survey–level Photographs*: HABS standard digital photography shall be undertaken to document the building at 1868–1870 Ogden Drive and its surrounding context. Large-format negatives are not required. The scope and number of photographs shall be reviewed and approved by the staff of the Burlingame Planning Division prior to documentation, and all photography shall be conducted according to the current National Park Service HABS standards.

- The photograph set shall include the following: distant views to capture the extent and context of the resource, contextual views of each façade of the building, façade details showing the character-defining exterior features of the building, and general interior views documenting current interior conditions.
- All views shall be referenced on a key map of the resource that includes a photograph number with an arrow to indicate the direction of the view.
- The draft photograph contact sheets and key map shall be provided to the Burlingame Planning Division, or professionally qualified reviewer hired by the City, for review and approval to determine the final number of photographs and views for inclusion in the final dataset.

- *Written Historic American Buildings Survey Narrative Report*: A written historical narrative shall be prepared in accordance with HABS Historical Report Guidelines. The HABS historical narrative should incorporate content from the DPR 523A and 523B form set for 1868–1870 Ogden Drive. Historic photographs identified in previous studies and updated research shall also be collected, scanned as high-resolution digital files, and reproduced in the dataset.

Format of Final Dataset:

- The Project sponsor shall contact the Burlingame Historical Society; Northwest Information Center; California Historical Society; University of California, San Diego Library; and no fewer than two additional research repositories with existing collections related to labor and ethnic history in California to inquire as to whether the repositories would like to receive a hard or digital copy of the final dataset. Labeled hard copies and/or digital copies of the final photograph sets and narrative report shall be provided to these repositories in their preferred format.
- The Project sponsor shall prepare documentation, along with the final HABS dataset, for review and approval by Burlingame Planning Division staff members that records the outreach, response, and other actions taken with regard to the repositories listed above. The documentation shall also include the research conducted to identify additional interested groups and the results of that outreach.

Mitigation Measure CR-2: Develop and Implement an Interpretive Program

The Project sponsor shall install and maintain a permanent onsite interpretive display commemorating the historical significance of the building at 1868–1870 Ogden Drive in relation to labor conflicts between the Western Conference of Teamsters and the United Farm Workers of America during the 1960s and 1970s. The interpretive program shall include the creation of a permanent display with photos of the building at 1868–1870 Ogden Drive and a description of its historical significance in a publicly accessible location on the Project site. The interpretive display can feature interactive or dynamic media, such as video, but, at a minimum, must include one display board containing narrative and visual materials to interpret the history of the building. Development of the interpretive display shall be overseen by a qualified professional who meets the Secretary of the Interior's Professional Qualification Standards (36 Code of Federal Regulations Part 61) for Historian or Architectural Historian. The Project sponsor shall prepare an outline of the format, location, and general content of the interpretive display to be reviewed and approved by Burlingame Planning Division staff members prior to issuance of a

demolition permit or site permit. The Project sponsor shall submit an illustrated memorandum that specifies the format, location, content (draft text and images), specifications, and maintenance of the interpretive displays for review by the Burlingame Planning Division prior to the issuance of any building permits for the Project. The approved display shall be fabricated and installed onsite prior to the issuance of the occupancy permit for the Project.

4.3 Less-than-Significant Impacts

In the course of evaluating certain topics included in the California Environmental Quality Act (CEQA) Guidelines Appendix G checklist, the 1868 Ogden Drive Project (Project) was found to have less-than-significant impacts or no impacts due to the project type and location. This section briefly describes these effects, pursuant to CEQA Guidelines Section 15128. Each topic includes a brief description of the regulatory framework, significance criteria, approach to analysis, and impacts. Information about the environmental setting of the Project is incorporated within the impact analysis discussions for the impact areas below, where necessary, to provide a baseline context for the impact analysis.

4.3.1 Aesthetics and Vehicular Parking Analysis

In accordance with Public Resources Code Section 21099, Modernization of Transportation Analysis for Transit-Oriented Projects, aesthetics and parking shall not be considered in determining if a project has the potential to result in significant environmental effects, provided the project meets the following criteria:

- The project is on an infill site.
- The project is in a Transit Priority Area (TPA).[1]
- The project is a residential, mixed-use residential, or employment-center use.

"Infill sites" include lots within a previously disturbed urban area. The Project site is within a qualifying infill site that is currently developed with a one-story office building and subterranean parking garage. Project implementation would involve demolishing the building and replacing it with a six-story building residential building. Therefore, the Project fulfills the criteria regarding infill sites and residential uses. In addition, the Project is located within a half mile of bus stops for San Mateo County Transit District (SamTrans) Route ECR along El Camino Real, which is considered a high-quality transit corridor. The Metropolitan Transportation Commission (MTC) has identified the locations of TPAs within the Bay Area. MTC mapping indicates that the Project site is within a TPA.[2] The Project meets the three criteria above; therefore, this document does not consider aesthetics or parking in determining the significance of impacts under CEQA.

4.3.2 Agricultural and Forest Resources

This section describes environmental setting for agricultural and forestry resources in the Project site. It also describes impacts on these resources that could result from implementation of the Project.

[1] A TPA is an area within 0.5 mile of a major transit stop.

[2] MTC. 2017. *Open Data Catalog, Transit Priority Areas.* Available: https://opendata.mtc.ca.gov/datasets/d97b4f72543a40b2b85d59ac085e01a0_0?geometry=-122.391%2C37.592%2C-122.384%2C37.594.

4.3.2.1 Environmental Setting

The Project site is fully developed with an office building and a subterranean parking lot. The California Department of Conservation 2018 map of important farmland identifies the city of Burlingame, including the Project site, as Urban and Built-up Land. The city of Millbrae, approximately 0.3 mile north of the Project site, is also identified as Urban and Built-up Land.[3] There are no agricultural or forestry resources on or near the Project site

4.3.2.2 Regulatory Setting

Because there are no agricultural or forestry resources on or near the Project site, no regulations pertaining to the conservation of agriculture and forestry resources would apply to the Project.

4.3.2.3 Significance Criteria

CEQA Guidelines Appendix G includes a list of potentially significant impacts. The Project would have a significant impact on agricultural and forest resources if it resulted in any of the following:

- Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use
- Conflict with existing zoning for agricultural use or a Williamson Act contract
- Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code Section 12220[g]), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104[g])
- Result in a loss of forestland or conversion of forestland to non-forest use
- Involve other changes in the existing environment that, because of their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forestland to non-forest use

4.3.2.4 Approach to Analysis

Evaluation of the Project is based on the San Mateo County Important Farmland map generated by the California Department of Conservation Farmland Mapping and Monitoring Program,[4] the City of Burlingame (City) Envision Burlingame General Plan (2040 General Plan), and aerial imagery from Google Earth.

[3] California Department of Conservation. 2019. *San Mateo County Important Farmland Map 2018*. Available: https://gis.conservation.ca.gov/server/rest/services/DLRP/CaliforniaImportantFarmland_2018/MapServer. Accessed: July 27, 2020.
[4] Ibid.

4.3.2.5 Impact Evaluation

Impact AG-1: The Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. (*No Impact*)

The Project site and all surrounding lands are identified as Urban and Built-up land by the California Department of Conservation. No Important farmland, including Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, exists within or adjacent to the Project site.[5] Therefore, there is no potential for the Project to result in the conversion of important farmland to non-agricultural uses, and there would be ***no impact***.

Impact AG-2: The Project would not conflict with existing zoning for agricultural use or a Williamson Act contract. (*No Impact*)

The Project site is in the North Burlingame Mixed-Use (NBMU) zone, which does not allow agricultural land uses. Accordingly, no agricultural land under a Williamson Act or Farmland Security Zone contract, currently exists at the Project site.[6] Therefore, the Project would not result in a conflict with existing zoning for agricultural use or a Williamson Act contract, and there would be ***no impact.***

Impact AG-3: The Project would not conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code Section 12220[g]), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104[g]). (*No Impact*)

The Project site is not zoned for forestland, timberland, or timberland production.[7] Therefore, the Project would not conflict with zoning for such land, and accordingly, there would be ***no impact.***

Impact AG-4: The Project would not result in a loss of forestland or conversion of forestland to non-forest use. (*No Impact*)

As described in Impact AG-3 above, there is not forestland within the Project site.[8] Therefore, the Project would not conflict with zoning for such land, and accordingly, there would be ***no impact.***

Impact AG-5: The Project would not involve other changes in the existing environment that, because of their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forestland to non-forest use. (*No Impact*)

Other changes in the existing environment that, because of their location or nature, could result in the conversion of Farmland to non-agricultural use or the conversion of forestland to non-forest use could include actions that would affect livestock on Farmland of Local Importance or actions that would affect forest health. Because there is no livestock at the Project site, there would be ***no impact***

[5] California Department of Conservation. 2019. *San Mateo County Important Farmland Map 2018*. Available: https://gis.conservation.ca.gov/server/rest/services/DLRP/CaliforniaImportantFarmland_2018/MapServer. Accessed: July 27, 2020.
[6] City of Burlingame. 2016. *Burlingame General Plan, Zoning*. Draft 1. June. Available: https://www.burlingame.org/document_center/Zoning/ZoningMap-Burlingame-NE.pdf. Accessed: July 27, 2020.
[7] Ibid.
[8] Ibid.

related to the conversion of Farmland to nonagricultural use. In addition, because there is no forestland at the Project site, there would be ***no impact*** related to the conversion of Farmland to forestland to alternative uses.

4.3.3 Air Quality

4.3.3.1 Regulatory Setting

This section summarizes the air quality plans and policies of the City as well as regional, state, and federal agencies that have policy and regulatory control over the Project site.

The Project site is in the San Francisco Bay Area Air Basin (SFBAAB), which is under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). BAAQMD is responsible for ensuring the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) are met within the SFBAAB. BAAQMD manages air quality through a comprehensive program that includes long-term planning, regulations, incentives for technical innovation, education, and community outreach. The 2017 Clean Air Plan provides an integrated strategy to reduce ozone, particulate matter, toxic air contaminants (TACs), and greenhouse gas (GHG) emissions in a manner that is consistent with federal and state air quality programs and regulations.

The BAAQMD adopted thresholds of significance to assist lead agencies in the evaluation and mitigation of air quality impacts under CEQA. The BAAQMD thresholds, which are incorporated in the 2017 CEQA air quality guidelines,[9] establish the levels at which emissions of ozone precursors (reactive organic gases [ROGs] and nitrogen oxides [NO_x]), particulate matter, local carbon monoxide (CO), and TACs would cause significant air quality impacts. The regulation of two fractions of particulate matter emissions is based on aerodynamic resistance diameters equal to or less than 10 microns (PM10) and 2.5 microns (PM2.5). The guidelines also contain thresholds of significance for TACs and odors.

The Project is also required to comply will all applicable BAAQMD rules and regulations, including but not limited to the following:

- **Regulation 7 (Odorous Substances).** This regulation establishes general odor limitations on odorous substances and specific emission limitations on certain odorous compounds.
- **Regulation 8, Rule 3 (Architectural Coatings).** This regulation limits the quantity of ROG in architectural coatings.
- **Regulation 11, Rule (Hazardous Pollutants – Asbestos Demolition, Renovation, and Manufacturing).** This regulation, which incorporates U.S. Environmental Protection Agency's (EPA's) asbestos National Emissions Standards for Hazardous Air Pollutants regulations, controls emissions of asbestos to the atmosphere during demolition, renovation, and transport activities.

[9] Bay Area Air Quality Management District. 2017. *California Environmental Quality Act Air Quality Guidelines.* May. Available: http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed: June 7, 2019.

4.3.3.2 Significance Criteria

CEQA Guidelines Appendix G includes a list of potentially significant project impacts. The Project would have a significant impact on air quality if it would result in any of the following:

- Conflict with or obstruct implementation of the applicable air quality plan.
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a nonattainment area for an applicable federal or state ambient air quality standard.
- Expose sensitive receptors to substantial pollutant concentrations.
- Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

4.3.3.3 Approach to Analysis

Construction Emissions

Construction of the Project would generate emissions from mobile and stationary construction equipment exhaust, employee and haul truck vehicle exhaust, land clearing and material movement, paving, and application of architectural coatings. Criteria pollutant emissions were estimated using the California Emissions Estimator Model (CalEEMod) (version 2016.3.2). Building area by land use type, haul trip lengths, and material quantities were provided by the Project applicant. Construction schedule, equipment operating details, and vehicle trips were based on CalEEMod default values. The maximum daily criteria pollutant emissions were estimated using these Project-specific details. Please refer to Appendix D for the construction modeling inputs and CalEEMod outputs.

Operations Emissions

Mobile Sources

Air quality impacts from motor vehicles traveling within the SFBAAB to and from the Project site were evaluated using the California Air Resources Board (CARB) EMFAC2017 emissions model (version 1.02), CalEEMod default trip distances by land use type, and trip generation rates provided by the traffic engineers.[10] It was estimated that 653 daily trips are associated with the existing office land use (9.5 miles per trip) and 253 trips would be associated with the proposed residential land use (10.8 miles per trip), resulting in a net amount of 400 trips and 4,649 vehicle miles traveled (VMT) for the Project per day.

The analysis incorporates CARB's criteria pollutant adjustment factors to account for Safer Affordable Fuel-Efficient (SAFE) Vehicle Rule Part 1 and the Final SAFE Rule.[11,12]

[10] Ibid.

[11] California Air Resources Board. 2019. *EMFAC Off-Model Adjustment Factors to Account for the SAFE Vehicle Rule Part One.* Available: https://ww3.arb.ca.gov/msei/emfac_off_model_adjustment_factors_final_draft.pdf. Accessed: July 2020.

[12] California Air Resources Board. 2020. *EMFAC Off-Model Adjustment Factors for Carbon Dioxide (CO_2) Emissions to Account for the SAFE Vehicles Rule Part One and the Final SAFE Rule.* Available: https://ww3.arb.ca.gov/msei/emfac_off_model_co2_adjustment_factors_06262020-final.pdf?utm_medium=email&utm_source=govdelivery. Accessed: July 2020.

Area and Energy Sources

Area and energy emissions were estimated using CalEEMod. Area source emissions are generated by the use of consumer products, the use of landscape maintenance equipment, and the repainting of buildings. Energy sources include the combustion of natural gas for building heating, hot water and residential fireplaces (one per residence). Emissions were quantified for existing and Project conditions. Operational emissions were estimated using CalEEMod defaults when Project-specific details were not available. Please refer to Appendix D for the operation modeling inputs and CalEEMod outputs.

Health Risk Assessment

Construction

Cancer health risks associated with exposure to diesel particulate matter are typically associated with chronic exposure (i.e., a 30-year exposure period). BAAQMD has determined that construction activities occurring more than 1,000 feet from a sensitive receptor most likely do not pose a significant health risk. As discussed below, there are sensitive land uses within 1,000 feet of the Project site. Accordingly, a health risk assessment (HRA) was undertaken to assess inhalation cancer risks, non-cancer hazard impacts, and PM2.5 concentrations, as recommended in BAAQMD's CEQA guidelines.

Sensitive land uses are defined as locations where human populations, especially children, seniors, and sick persons, are located and where there is reasonable expectation of continuous human exposure, according to the averaging period for the air quality standards (i.e., 24 hours, 8 hours). Per BAAQMD, typical sensitive receptors are residences, hospitals, and schools. Parks and playgrounds where sensitive receptors (e.g., children and seniors) are present would also be considered sensitive receptors.[13] The nearest sensitive land use is an apartment complex adjacent southeast of the Project site. Other sensitive land uses within 1,000 feet include multifamily housing, single family housing, a senior care center, schools, and the outdoor recreational facilities associated with the schools.

During construction activities, diesel particulate matter and PM2.5 exhaust emissions would be generated by heavy-duty off-road equipment as well as on-road vehicles. Fugitive dust emissions would be generated during grading and excavation. The HRA was prepared consistent with guidance from EPA, the California Environmental Protection Agency (CalEPA), the Office of Environmental Health Hazard Assessment, and BAAQMD. More specifically, the HRA relied on EPA's most recent dispersion model, AERMOD (version 19191). Calculations of acute and chronic cancer risks relied on the assessment values developed from the Office of Environmental Health Hazard Assessment's *Air Toxics Hot-spots Program, Risk Analysis Guidelines;*[14] BAAQMD's *Recommended Methods for Screening and Modeling Local Risks and Hazards*,[15] and BAAQMD's *Air Toxics NSR Program Health Risk*

[13] Bay Area Air Quality Management District. 2017a. *California Environmental Quality Act Air Quality Guidelines.* Available: http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed: July 2020.
[14] Office of Environmental Health Hazard Assessment. 2015. *Air Toxics Hot-spots Program, Risk Analysis Guidelines*. Guidance Manual for Preparation of Health Risk Assessments. Available: https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf. Accessed: July 2020.
[15] Bay Area Air Quality Management District. 2012. *Recommended Methods for Screening and Modeling Local Risks and Hazards.* Available: http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/risk-modeling-approach-may-2012.pdf?la=en. Accessed: July 2020.

Assessment Guidelines.[16] Refer to Appendix D for more detailed modeling assumptions and AERMOD outputs.

Cumulative

According to BAAQMD's CEQA guidelines, combined risk levels should be determined for all TAC sources within 1,000 feet of a project site, and the combined risk levels should be compared to BAAQMD's cumulative health risk thresholds.[17] Nearby TAC sources as well as Project construction and operation could contribute to a cumulative health risk for sensitive receptors near the Project site. BAAQMD's inventory of stationary health risks and the distance multiplier tool were used to estimate excess impacts for existing stationary sources. GIS raster files and Google Earth map files provided by BAAQMD were used to estimate roadway and railway source emissions. The methods used to estimate Project-related TAC emissions are described above and in Appendix D.

4.3.3.4 Impact Evaluation

Impact AQ-1: The Project would not conflict with or obstruct implementation of the applicable air quality plan. (*Less than Significant*)

The Clean Air Act requires a State Implementation Plan (SIP) or an air quality control plan to be prepared for areas with air quality that violates the NAAQS. The SIP sets forth the strategies and pollution control measures that states use to attain the NAAQS. The California Clean Air Act requires attainment plans to demonstrate a 5 percent reduction per year in nonattainment air pollutants or their precursors, averaged every consecutive 3-year period, unless an approved alternative measure of progress is developed. Air quality attainment plans (AQAPs) outline emissions limits and control measures to achieve and maintain these standards by the earliest practical date. The current AQAP for the SFBAAB is the 2017 Clean Air Plan.

Projects that result in regional growth in population, employment, or VMT that exceeds the estimates used to develop the 2017 Clean Air Plan, which are based on growth projections from the Association of Bay Area Governments (ABAG) and local general plans, would be inconsistent with the 2017 Clean Air Plan. Accordingly, projects that propose development that is consistent with the growth anticipated by ABAG and local general plans would be consistent with the 2017 Clean Air Plan.

As described below in Section 4.3.11, *Land Use*, the Project would be generally consistent with the goals and policies of the 2040 General Plan. In addition, the Project would develop land uses that would be consistent with the land uses permitted for the area under the 2040 General Plan. Because the Project's land uses are accounted for in the 2040 General Plan, the Project would be consistent with the growth anticipated in the 2017 Clean Air Plan.

The nearest SamTrans bus route stop is 1,560 feet from the Project site. The MTC has identified the locations of TPAs within the Bay Area. MTC mapping indicates that the Project site is within a TPA.[18]

[16] Bay Area Air Quality Management District. 2016. *Air Toxics NSR Program Health Risk Assessment Guidelines*. Available: http://www.baaqmd.gov/~/media/files/planning-and-research/permit-modeling/hra_guidelines_12_7_2016_clean-pdf.pdf. Accessed: July 2020.

[17] Bay Area Air Quality Management District. 2017a. *California Environmental Quality Act Air Quality Guidelines*. May. Available: http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed: July 2020.

[18] MTC. 2017. *Open Data Catalog, Transit Priority Areas.* Available: https://opendata.mtc.ca.gov/datasets/d97b4f72543a40b2b85d59ac085e01a0_0?geometry=-122.391%2C37.592%2C-122.384%2C37.594

Furthermore, to be consistent with the City 2030 Climate Action Plan (see Section 4.3.8, *Greenhouse Gas Emissions*), the Project would incorporate transportation demand management (TDM) strategies that would achieve a 20 percent reduction in trip generation rates. Therefore, no significant increase in traffic is anticipated with Project implementation.

In summary, the Project would not result in regional growth in population, employment, or VMT that exceeds the estimates used to develop the 2017 Clean Air Plan. Accordingly, the Project would not conflict with the 2017 Clean Air Plan; this impact would be ***less than significant.***

Impact AQ-2: The Project could result in a cumulatively considerable net increase in any criteria pollutant for which the project region is classified as nonattainment under an applicable federal or state air quality standard. (*Less than Significant with Mitigation Incorporated*)

To assist lead agencies in determining whether a project would exceed the criteria air pollutant significance thresholds, BAAQMD developed screening criteria as part of its CEQA guidelines. In developing these thresholds, BAAQMD considered the levels at which a project's emissions become cumulatively considerable. As noted in its CEQA guidelines:

> In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts on the region's existing air quality conditions. Therefore, additional analysis to assess cumulative impacts is unnecessary.

Consequently, exceedances of project-level thresholds would be cumulatively considerable.

Construction

Construction criteria pollutant emissions would come from a variety of sources, including off-road construction equipment and on-road vehicles used by employees, vendors, and truck drivers. Criteria pollutant emissions generated during demolition of the building and construction of the Project were quantified using CalEEMod, version 2016.3.2. CalEEMod was run with model default values for some construction parameters and supplemented with data provided by the Project applicant for other construction parameters. The CalEEMod run was adjusted to reflect the Project applicant's commitment to using paint with a low level of volatile organic compounds (50 grams of volatile organic compounds per liter of paint) during the coating of the building's interiors and exterior surfaces. The six phases of construction, in sequential order, are demolition, site preparation, grading, building construction, paving, and architectural coatings. Estimated construction emissions would be short term, occurring over approximately 20 months. Table 4.3-1 summarizes the results of the emissions modeling. Model outputs are provided in Appendix D.

As shown in Table 4.3-1, construction of the Project would not result in emissions that would exceed the BAAQMD threshold for any pollutant. However, BAAQMD's CEQA guidelines consider fugitive dust impacts to be less than significant with application of best management practices (BMPs). If BMPs are not implemented, then dust impacts would be potentially significant. Therefore, Mitigation Measure AQ-1, which includes BMPs, would be implemented to reduce impacts from construction-related fugitive dust emissions, including any cumulative impacts. With the BMPs, dust emissions would be reduced, and the impact would be ***less than significant with mitigation.*** Construction of the Project would not be expected to contribute a significant level of air pollution such that air quality within the SFBAAB would be degraded.

Table 4.3-1. Estimated Unmitigated Criteria Pollutant Emissions from Construction (pounds per day)

				PM10		PM2.5	
Construction Year[a]	**ROGs**	**NO_X**	**CO**	**Dust**	**Exhaust**	**Dust**	**Exhaust**
2020	2	48	23	3	1	1	1
2021	2	42	23	5	1	1	1
2022	50	9	10	1	<1	<1	<1
Maximum	50	48	23	5	1	1	1
BAAQMD Threshold	*54*	*54*	—	*BMPs*	*82*	*BMPs*	*54*
Exceed Threshold?	*No*	*No*	—	—	*No*	—	*No*

BAAQMD = Bay Area Air Quality Management District; BMPs = best management practices; CO = carbon monoxide; NO_X = nitrogen oxide; PM 2.5 = particulate matter no more than 2.5 microns in diameter; PM10 = particulate matter no more than 10 microns in diameter; ROGs= reactive organic gases

[a] Emissions were originally calculated assuming that construction would occur from November 2020 to July 2022. It was later determined that construction would not occur until January 2022 to September 2023. Therefore, the emissions presented above represent conservatively high estimates, as the emission intensity of vehicles and offroad equipment will decrease in future years due to technology improvements and more stringent regulations.

Mitigation Measure AQ-1: Implement BAAQMD Basic Construction Mitigation Measures. The applicant shall require all construction contractors to implement the basic construction mitigation measures recommended by BAAQMD. The emissions reduction measures shall include, at a minimum, the following:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times a day.
- All haul trucks shall be covered when transporting soil, sand, or other loose material offsite.
- All visible mud or dirt track-out material on adjacent public roads shall be removed using wet-power vacuum-type street sweepers at least once a day. The use of dry-power sweeping is prohibited.
- All vehicle speeds shall be limited to 15 miles per hour on unpaved roads.
- All roadways, driveways, and sidewalks that are to be paved shall be paved as soon as possible. Building pads shall be laid as soon as possible after grading, unless seeding or soil binders are used.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturers' specifications. All equipment shall be checked by a certified visible-emissions evaluator.
- Idling times shall be minimized, either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure).
- Publicly visible signs shall be posted with the telephone number and name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

Operation

The criteria pollutant emissions that would be generated during Project operations were quantified using CalEEMod and EMFAC2017. Specifically, mobile source emission factors were calculated externally using EMFAC2017. Trip generation rates were based on the information provided in the Transportation Impact Analysis prepared for the Project (see Appendix B). Trip distances were based on CalEEMod default values based on the Project land use type. VMT was calculated by multiplying the trip generation rates by the trip distances. The largest portion of long-term emissions would be caused by vehicle trips generated by future occupants, with additional emissions from area sources (e.g., landscaping equipment, cleaning supplies and paint) and energy sources (e.g., natural gas consumption).

The net effect of the Project is determined by evaluating estimated daily operational emissions from the existing land uses to be replaced by the Project's land uses and subtracting them from the Project's estimated daily operational emissions, as summarized in Table 4.3-2. The Project's net estimated daily operational emissions are presented in Table 4.3-3 and compared to BAAQMD's operational criteria pollutant thresholds. Model outputs are provided in Appendix D.

As shown in Table 4.3-3, operation of the Project would not generate ROG, NO_X, or particulate matter in excess of BAAQMD's numeric thresholds. Consequently, the impact from operational-related criteria pollutant emissions would be ***less than significant.*** The Project would not contribute criteria air pollutant emissions that would degrade regional air quality within the SFBAAB.

Table 4.3-2. Existing Land Uses (2020) and Proposed Project (2022)[a] Operational Emissions (pounds per day)

				PM10			PM2.5		
Emission Source	**ROG**	**NO_X**	**CO**	**Dust**	**Exhaust**	**Total**	**Dust**	**Exhaust**	**Total**
Existing Land Uses									
Area	1	<1	<1	-	<1	<1	-	<1	<1
Energy	<1	<1	<1	-	<1	<1	-	<1	<1
Mobile	1	1	6	1	<1	1	<1	<1	<1
Total Existing	1	1	6	1	<1	1	<1	<1	<1
Project Conditions									
Area	3	2	11	-	<1	<1	-	<1	<1
Energy	<1	<1	<1	-	<1	<1	-	<1	<1
Mobile	2	3	16	3	<1	3	1	<1	1
Total Project	5	5	27	3	<1	3	1	<1	1

[a] Emissions were originally calculated assuming that operation would begin in 2022. It was later determined that operation would not begin until 2023. Therefore, the emissions presented above represent conservatively high estimates, as the emission intensity of vehicles and electricity will decrease in future years due to technology improvements and more stringent regulations.

Table 4.3-3. Net (Project minus Existing) Operational Emissions (pounds per day)

				PM10			PM2.5		
Emission Source	**ROG**	**NO_X**	**CO**	**Dust**	**Exhaust**	**Total**	**Dust**	**Exhaust**	**Total**
Area	3	2	11	-	<1	<1	-	<1	<1
Energy	<1	<1	<1	-	<1	<1	-	<1	<1
Mobile	1	1	9	2	<1	2	<1	<1	<1
Total	4	4	20	2	<1	2	<1	<1	1
BAAQMD Threshold	*54*	*54*	—	—	—	*82*	—	—	*54*
Exceed Threshold?	*No*	*No*	—	—	—	*No*	—	—	*No*

Impact AQ-3: The Project could expose sensitive receptors to substantial pollutant concentrations. (*Less than Significant with Mitigation Incorporated*)

The primary pollutants of concern with regard to health risks for sensitive receptors are criteria pollutants (including localized CO hot spots), asbestos, diesel particulate matter, and localized PM2.5. Each of these pollutants, including the potential impact on nearby receptors, is analyzed in the paragraphs that follow.

Criteria Pollutants

As discussed above, BAAQMD has developed region-specific CEQA thresholds of significance in consideration of existing air quality concentrations and attainment designations under the NAAQS and CAAQS. The NAAQS and CAAQS are informed by a wide range of scientific evidence that demonstrates that there are known safe concentrations of criteria pollutants. Although recognizing that air quality is a cumulative problem, BAAQMD considers the impacts of projects that generate criteria pollutant and ozone precursor emissions that are below the thresholds to be minor in nature. Such projects would not adversely affect air quality or cause the NAAQS or CAAQS to be exceeded.

As shown in Table 4.3-1, construction of the Project would not generate regional criteria pollutants in excess of BAAQMD thresholds, though Mitigation Measure AQ-1 would be required to ensure that fugitive dust would be less than significant. As such, construction of the Project would not be expected to contribute a significant level of air pollution that would degrade air quality within the SFBAAB. Consequently, the impact from construction-generated criteria pollutant emissions would be ***less than significant with mitigation***. The Project would not expose receptors to substantial pollutant concentrations or risks during construction.

As shown in Table 4.3-3, operation of the Project would not generate regional criteria pollutants or precursors that would exceed BAAQMD's thresholds of significance. Consequently, the impact from operational criteria pollutant emissions would be ***less than significant***. The Project would not expose receptors to substantial pollutant concentrations or risks during operations.

Localized CO Hot Spots

Continuous engine exhaust may elevate localized CO concentrations, resulting in "hot spots." Receptors who are exposed to these CO hot spots may have a greater likelihood of developing adverse health effects. CO hot spots are typically observed at heavily congested intersections where a substantial number of gasoline-powered vehicles idle for prolonged durations throughout the day.

BAAQMD's screening guide for CO impacts requires projects to meet three criteria to result in a less-than-significant impact:

1. Be consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, a regional transportation plan, and local congestion management agency plans.
2. Not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour.
3. Not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., a tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

If the Project does not meet all of the screening criteria, then CO emissions should be quantified using EMFAC and CALINE4 to determine CO concentrations near affected roadways or facilities. Project CO concentrations plus background concentrations would then be compared against the 1-hour and 8-hour CO NAAQS thresholds of significance to determine whether there would be a significant impact on air quality.

Peak-hour traffic volumes at seven intersections in the Project vicinity were analyzed to determine whether the Project would meet BAAQMD screening criteria based on the information provided in the Transportation Impact Analysis prepared for the Project (see Appendix B). With implementation of the Project, the traffic volume in the PM peak hour at the intersection with the highest volumes, El Camino Real/Millbrae Avenue, would be 6,113 vehicles per hour. Maximum traffic volumes at the intersection under all scenarios would be well below the 44,000-vehicle-per-hour screening threshold. Also, intersection traffic volumes under all scenarios would be below the 24,000-vehicle-per-hour screening threshold for areas where vertical and/or horizontal mixing is substantially limited; therefore, there would be no exceedance of either the non-limited mixing threshold (44,000 vehicles per hour) or the limited vertical/horizontal mixing threshold (24,000 vehicles per hour).

The City/County Association of Governments (C/CAG) of San Mateo County is the presiding congestion management agency. Of the seven intersections analyzed in the Project vicinity, C/CAG has set level-of-service (LOS) standards for one intersection in the San Mateo County Congestion Management Program (CMP). The El Camino Real/Millbrae Avenue and El Camino Real/Broadway must operate at or above LOS E.[19] These intersections currently operate at an acceptable LOS. The additional Project trips would not cause the intersections to operate below the standard. Consequently, the Project would be consistent with the applicable CMP and would not result in an exceedance of BAAQMD screening criteria. Furthermore, CO concentrations would not exceed the CAAQS. This impact would be ***less than significant***.

[19] City/County Association of Governments of San Mateo County. 2020. *San Mateo County Congestion Management Program 2019*. April. Available: https://ccag.ca.gov/wp-content/uploads/2020/04/2019-CMP-Final-040920.pdf. Accessed: July 2020.

Asbestos

Asbestos is a naturally occurring mineral that was once used in building construction because of its heat resistance and strong insulating properties. Exposure to asbestos, however, has been shown to cause many disabling or fatal diseases, including lung cancer, mesothelioma, and pleural plaques. Demolition of the buildings on the Project site may expose workers and nearby receptors to asbestos if the material was used during construction of the existing building. However, the Project would comply with BAAQMD Regulation 11, Rule 2, Asbestos, Demolition, Renovation, and Manufacturing. The purpose of this rule is to control emissions of asbestos to the atmosphere during demolition and building renovation. Because the applicant would be required to control asbestos emissions according to BAAQMD regulations, impacts associated with asbestos emissions would be ***less than significant***.

Construction-Generated Diesel Particulate Matter and Localized PM2.5

Table 4.3-4 presents the health risks for the receptor that would receive the highest concentrations of construction-related diesel particulate matter and PM2.5 and, therefore, the greatest potential health risks from the Project. As shown in Table 4.3-4, unmitigated construction emissions would result in a significant increase in the cancer risk and annual PM2.5 concentrations, although the chronic hazard index and would be below BAAQMD's significance thresholds. Consequently, the health risk impact to sensitive receptors from construction activities would be potentially significant.

Table 4.3-4. Estimated Project-Level Cancer and Chronic Hazard Risks from Unmitigated Construction-Related Diesel Particulate Matter and PM2.5 Exhaust Emissions

Receptor	Cancer Risk (cases per million)	Non-Cancer Hazard Index	Annual PM2.5 Concentration ($\mu g/m^3$)
Maximally affected residence	<u>77.5</u>	0.1	<u>0.3</u>
Significance Threshold	*10.0*	*1.0*	*0.3*
Exceed Threshold?	*Yes*	*No*	*Yes*

$\mu g/m^3$ = micrograms per cubic meter; PM 2.5 = particulate matter no more than 2.5 microns in diameter
Exceedances denoted with underline.

Implementation of Mitigation Measure AQ-1 (BAAQMD's construction fugitive dust BMPs) would help mitigate this impact by reducing the concentration of fugitive dust associated with construction activities. Furthermore, Mitigation Measure AQ-2 would be implemented, which requires the use of EPA-approved Tier 4 "final" engines in off-road equipment during construction. Health risks with implementation of Mitigation Measures AQ-1 and AQ-2 are shown in Table 4.3-5. Implementation of these mitigation measures would reduce the potentially significant impact from the exceedance of the cancer risk threshold to a less-than-significant level by reducing emissions, thereby reducing PM2.5 concentration and health risks below the BAAQMD threshold. The impact from construction-generated health risks would be ***less than significant with mitigation***.

Table 4.3-5. Estimated Project-Level Cancer and Chronic Hazard Risks from Mitigated Construction-Related Diesel Particulate Matter and PM2.5 Exhaust Emissions

Receptor	Cancer Risk (cases per million)	Non-Cancer Hazard Index	Annual PM2.5 Concentration (µg/m³)
Maximally affected residence	4.7	<0.1	<0.1
Significance Threshold	*10.0*	*1.0*	*0.3*
Exceed Threshold?	*No*	*No*	*No*

Operational Diesel Particulate Matter and Localized PM2.5

Operation of the Project would not include diesel-fueled stationary sources (e.g., generators, boilers) or generate a substantial amount of diesel-fueled truck traffic such that an analysis of health risks from operations-related activities is needed. The impact from operations-related health risks would be ***less than significant.***

Cumulative Construction-generated Diesel Particulate Matter and Localized PM2.5

As noted above, BAAQMD recommends combining the risk levels for all TAC sources within 1,000 feet of a project site. The results of the cumulative impact assessment, which includes background sources of TAC and the project contribution, are summarized in Table 4.3-6.

Table 4.3-6. Cumulative Toxic Air Contaminant Health Risks from Project and Background Sources at the Maximally Affected Receptor

Sources	Increased Cancer Risk (per million) (unmitigated/ mitigated)	Non-Cancer Hazard Index (unmitigated/ mitigated)	PM2.5 Exposure (µg/m³) (unmitigated/ mitigated)
Existing Sources			
Stationary	5	<0.1	<0.1
Mobile	4	<0.1	0.1
Project Construction	77/5	0.1/<0.1	0.3/<0.1
Total Cumulative	87/14	0.1/<0.1	0.4/0.1
BAAQMD Thresholds	*100*	*10.0*	*0.8*
Exceeds Threshold?	*No*	*No*	*No*

Notes:
µg/m³ = micrograms per cubic meter
Exceedances denoted with underline.
[a] Exceedance of threshold is due to existing ambient sources located within the vicinity of the Project area.

As shown in Table 4.3-6, the cumulative cancer risk, chronic hazard index, and annual PM2.5 concentrations would not exceed the BAAQMD thresholds at the receptor with the highest impact. Accordingly, the contribution of the Project to a significant impact would not be considerable. This impact would be ***less than significant***.

Mitigation Measure AQ-2: Use Tier 4 Equipment. The applicant shall ensure that all off-road diesel-powered equipment used during construction is equipped with engines that meet EPA Tier 4 "final" emission standards.

Impact AQ-4: The Project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. (*Less than Significant*)

Although offensive odors rarely cause physical harm, they can be unpleasant, leading to considerable distress among the public. In addition, they often generate citizen complaints to local governments and air districts. According to CARB's *Air Quality and Land Use Handbook*, land uses associated with odor complaints typically include sewage treatment plants, landfills, recycling facilities, and manufacturing plants.[20] Odor impacts on residential areas and other sensitive receptors, such as hospitals, day-care centers, and schools, warrant the closest scrutiny, but consideration should also be given to other land uses where people may congregate, such as recreational facilities, work sites, and commercial areas.

Odors during construction could be emitted from diesel exhaust, asphalt paving, and architectural coatings. However, construction activities near existing receptors would be temporary and would not result in nuisance odors that would violate BAAQMD Regulation 7. During operation, odors could emanate from vehicle exhaust, intermittent use of the backup generator during emergencies, and the reapplication of architectural coatings. However, odor impacts would be limited to circulation routes, parking areas, and areas immediately adjacent to recently painted structures. Although such brief exhaust- and paint-related odors may be considered adverse, they would not affect a substantial number of people. Because the Project is not anticipated to result in substantial or long-term odors, this impact would be ***less than significant***.

4.3.4 Biological Resources

4.3.4.1 Environmental Setting

The Project site and surrounding area are characterized by dense urban development, with minimal amounts of landscape vegetation. The Project site is completely developed and thus, does not contain natural land cover or communities, protected wetlands and waters,[21] riparian habitat, or other sensitive natural communities.[22] The onsite ornamental vegetation is not considered a sensitive natural community. No water features or waterways are on or within the vicinity of the Project site. The nearest public parks and trails, Millbrae Spur Trail, Ray Park and Village Park are approximately 0.3 mile, 0.6 mile, and 0.7 mile from the Project site, respectively. The nearest water body is El Portal Canal, a concrete channel, approximately 0.4 mile from the Project site. In addition, Mills Creek, also a concrete channel, and the San Francisco Bay are located 1 mile from Project site.

[20] California Air Resources Board. 2005. *Air Quality and Land Use Handbook: A Community Health Perspective*. April.
[21] U.S. Fish and Wildlife Service. 2020. *National Wetland Inventory Wetland Mapper*. Available: https://www.fws.gov/wetlands/. Updated May 2020. Accessed July 17, 2020.
[22] California Department of Fish and Wildlife. 2019. *California Sensitive Natural Communities*. November 8. Available: https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities#sensitive%20natural%20communities. Accessed: July 17, 2020.

4.3.4.2 Regulatory Setting

This section summarizes the biological resources plans and policies of the City as well as regional, state, and federal agencies that have policy and regulatory control over the Project site.

Federal

Clean Water Act Section 402

Clean Water Act (CWA) Section 402 regulates construction-related stormwater discharges to surface waters through the National Pollutant Discharge Elimination System (NPDES) program, administered by the EPA. CWA Section 402 is discussed in detail in Section 4.3.10, *Hydrology and Water Quality*.

Migratory Bird Treaty Act

The Federal Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703) enacts the provisions of treaties between the United States, Great Britain, Mexico, Japan, and the Soviet Union (now Russia) and authorizes the U.S. Secretary of the Interior to protect and regulate the taking of migratory birds. It establishes seasons and bag limits for hunted species and protects migratory birds, their occupied nests, and their eggs (16 U.S.C. 703, 50 Code of Federal Regulations [CFR] 21, 50 CFR 10). Most actions that result in taking or in permanent or temporary possession of a protected species constitute violations of the MBTA. Examples of permitted actions that do not violate the MBTA are the possession of a hunting license to pursue specific game birds, legitimate research activities, display in zoological gardens, banding, and other similar activities. The U.S. Fish and Wildlife Service is responsible for overseeing compliance with the MBTA, and the U.S. Department of Agriculture's Animal Damage Control Officer makes recommendations on related animal protection issues.

On December 22, 2017, the Department of Interior Solicitor issued Opinion M-37050, which formally revises the Department of Interior's interpretation of the MBTA's prohibition on the take of migratory bird species. Opinion M-37050 concludes that "consistent with the text, history, and purpose of the MBTA, the statute's prohibitions on pursuing, hunting, taking, capturing, killing, or attempting to do the same apply only to affirmative actions that have as their purpose the taking or killing of migratory birds, their nests, or their killing of migratory birds, their nests, or their egg."

On April 11, 2018, the U.S. Fish and Wildlife Service issued guidance on Opinion M-37050, which states that the MBTA's prohibitions on take apply when the purpose of an action is to take migratory birds, their eggs, or their nests. This guidance also states that the Endangered Species Act and some state laws and regulations are not affected by Opinion M-37050.

According to the U.S. Fish and Wildlife Service guidance, take of a migratory bird, its nest, or eggs that is incidental to another lawful activity does not violate the MBTA, and the MBTA's criminal provisions do not apply to those activities.

Although the Project has the potential to affect migratory birds protected by the MBTA, the incidental take of migratory birds during the construction of the Project would not be enforced by U.S. Fish and Wildlife Service per this guidance; however, the Project would still need to comply with state regulations on migratory birds.

State

California Fish and Game Code (3503 and 3503.3)

Bird Nesting Protections (Section 3503 and 3503.3)

Sections 3503 and 3503.3 state that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by the code or any regulation made pursuant thereto.

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act of 1969 (California Water Code [Water Code] Section 13000 et. seq.) governs water quality in California. This act delegates responsibility to the State Water Resources Control Board (State Water Board) for water rights and water quality protection and directs the nine statewide Regional Water Quality Control Boards (Regional Water Boards) to develop and enforce water quality standards within their jurisdictions. The Porter-Cologne Act requires any entity discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state to file a report of waste discharge with the appropriate Regional Water Board. *Waters of the state* are defined as "any surface water or groundwater, including saline waters, within the boundaries of the state" (Water Code 13050[e]). The appropriate Regional Water Board then must issue a permit, referred to as a waste discharge requirement. Waste discharge requirements implement water quality control plans and take into consideration the beneficial uses to be protected, the water quality objectives reasonably required for that purpose, other waste discharges, and the need to prevent nuisances (Water Code Section13263).

Local

2040 General Plan

The following goals and strategies from the 2040 General Plan, would be applicable to the Project during the construction period.

- **HP-5.2: Migratory Birds**. Identify and protect habitats that contribute to the healthy propagation of migratory birds, including trees and natural corridors that serve as stopovers and nesting places. Avoid construction activities that involve tree removal between March and June, unless a bird survey has been conducted to determine that the tree is unused during the breeding season by avian species protected under California Fish and Game Code Sections 3503, 3503.5, and 3511.
- **HP-5.5: Protection and Expansion of Tree Resources.** Continue to preserve and protect valuable native trees and introduce species that contribute to the urban forest but allow for the gradual replacement of trees for ongoing natural renewal. Consider replacement with native species. Use zoning and building requirements to ensure that existing trees are integrated into new developments.
- **HP-5.6: Tree Preservation Ordinance.** Continue to adhere to the Burlingame Tree Preservation Ordinance (Burlingame Municipal Code Title 11); ensure the preservation of protected trees, as designated by the ordinance; and continue to be acknowledged by the Arbor Day Foundation as a Tree City USA.

- **HP-5.7: Urban Forest Management Plan.** Continue to update and use the Burlingame Urban Forest Management Plan, which integrates environmental, economic, political, historical, and social values for the community for guidance on BMPs related to tree planting, removal, and maintenance, including onsite protection of extant trees and street trees during projects.
- **HP-5.14: Compliance with Environmental Laws.** Ensure that all projects affecting resources of regional concern satisfy regional, state, and federal laws.

Burlingame Municipal Code Title 11 Tree Protection Policies and Ordinances

The City Tree Preservation Ordinance, City Municipal Code Title 11, provides for the protection and preservation of significant trees. Title 11 designates the types of trees that are classified as protected and would require a permit before removal or pruning beyond routine maintenance and determines when removed or disfigured trees would require replacement. A "street tree," is defined as any woody perennial plant having a single main axis or stem more than 10 feet in height. A "protected private tree" includes: 1) any tree with a circumference of 48 inches or more when measured 54 inches above natural grade; or 2) a tree or stand of trees so designated by the City Council based upon findings that it is unique and of importance to the public due to its unusual appearance, location, historical significance, or other factor; or 3) a stand of trees in which the Director of Parks has determined each tree is dependent upon the others for survival.

4.3.4.3 Significance Criteria

CEQA Guidelines Appendix G includes a list of potentially significant impacts. The Project would have a significant impact on biological resources if it resulted in any of the following:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.
- Have a substantial adverse effect on state or federally protected wetlands, including, but not limited to, marsh, vernal pool, coastal areas, etc., through direct removal, filling, hydrological interruption, or other means.
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.

4.3.4.4 Approach to Analysis

This biological resource impact analysis is based on a desktop review and evaluation of the following sources:

- A California Department of Fish and Wildlife California Natural Diversity Database[23] (CNDDB) species list query for the Project site and a 1-mile buffer area.
- A California Native Plant Society (CNPS)[24] species list query for the U.S. Geological Survey (USGS) San Francisco South (3712264), Hunters Point (3712263), Montara Mountain (3712254), and San Mateo (3712253) 7.5-minute series quadrangles.
- A U.S. Fish and Wildlife Service Information for Planning and Consultation (IPaC)[25] query for the Project site.
- The 2040 General Plan Environmental Impact Report (EIR).[26]
- The U.S. Fish and Wildlife Service National Wetland Inventory and EPA data for the identification of waters and wetlands.[27, 28]
- Google Earth for aerial imagery.[29]

4.3.4.5 Impact Evaluation

Impact BIO-1: The Project could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. (*Less than Significant with Mitigation Incorporated*)

The Project site and surrounding area are completely developed with no sensitive natural community present on the site or in the immediate vicinity.[30] Without suitable habitat, special-status species are not anticipated to occur apart from the pallid bat (*Antrozous pallidus*) and nesting migratory birds. Although pallid bat may forage over the area on occasion, the Project site does not provide suitable foraging or breeding habitat for the species. In addition, because of the abundance of similar landscaped foraging habitat in the surrounding area, it is considered unlikely that pallid

[23] California Department of Fish and Wildlife. 2020. *California Natural Diversity Database RareFind Records Search,* RareFind Version 5. Available: https://www.wildlife.ca.gov/Data/CNDDB/Maps-and-Data. Accessed: September 19, 2020.
[24] California Native Plant Society. 2019. *Online Inventory of Rare and Endangered Plants of California*. (online edition, v8-03 0.39). Available: http://www.rareplants.cnps.org/advanced.html. Accessed: July 17, 2020.
[25] U.S. Fish and Wildlife Service. 2019. *IPaC Species List. Consultation Code: 08ESMF00-2020-SLI-2387 Event Code: 08ESMF00-2020-E-07382.* Available: https://ecos.fws.gov/ipac/. Accessed: July 18, 2020.
[26] City of Burlingame. 2018. *Burlingame 2040 General Plan Draft EIR*. Available: https://www.envisionburlingame.org/app_pages/view/17. Accessed: July 17, 2020.
[27] U.S. Fish and Wildlife Service. 2020. *National Wetland Inventory Wetland Mapper*. Available: https://www.fws.gov/wetlands/. Updated May 2020. Accessed July 17, 2020.
[28] U.S. Environmental Protection Agency. 2020. *WATERS GeoViewer*. Available: https://www.epa.gov/waterdata/waters-geoviewer. Accessed: July 18, 2020
[29] Google Earth Pro. 2020. Aerial imagery: 1878 Ogden Drive, 37°35'35.56"N and 122°23'16.30"W. Accessed: July 16, 2020.
[30] California Department of Fish and Wildlife. 2019. *California Sensitive Natural Communities*. November 8. Available: https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities#sensitive%20natural%20communities. Accessed: July 17, 2020.

bat would be present at the Project site. There are no CNDDB[31] occurrences of pallid bat in San Francisco County and no recent CNDDB occurrences of pallid bat in San Mateo County. The most recent CNDDB occurrence of pallid bat (occurrence # 297) is from 1960. Therefore, impacts on pallid bat foraging habitat are not considered substantial, and the impact on pallid bat would be ***less than significant***.

The structures and landscaping (e.g., shrubs and trees) on or near the Project site offer suitable nesting habitat for migratory birds and raptors, which are protected under the Migratory Bird Treaty Act and California Fish and Game Code Section 3503. The Project would remove all nesting and roosting habitat (i.e., vegetation, trees, structures) within the Project site. A potentially significant impact could occur if migratory bird individuals were injured or killed during tree removal and/or building demolition, substantially affected by construction noise, or affected by light during Project operations at night. Mitigation Measure BIO-1 would reduce this potentially significant impact on nesting birds covered under the MBTA and California Fish and Game Code to a less-than-significant level by ensuring Project construction activities do not result in the take of a nesting bird or an active nest, by requiring pre-construction surveys for nesting birds, avoidance during the nesting period to the extent feasible, and avoidance of nesting birds found during pre-construction surveys. In addition, Mitigation Measure NOI-1(discussed below, see Section 4.3.13 *Noise*) would require implementation of noise reduction measures to minimize noise generated during construction, which would also serve to reduce potential impacts. Existing regulations, including the California Building Standards Code (Title 24, Building Energy Efficiency Standards) and Municipal Code Section 18.16.030, require lighting designs to minimize impacts from light and glare. Implementation of Mitigation Measures BIO-1 and NOI-1 and compliance with existing lighting regulations would ensure that migratory bird individuals would be protected. Impacts on special-status species would be ***less than significant with mitigation***.

Mitigation Measure BIO-1: Pre-construction Nesting Bird Surveys and Protection Measures

The applicant shall implement the measures that follow prior to structure demolition and tree removal or trimming. Construction shall avoid the avian nesting period (March 15 through August 31) to the extent feasible. If it is not feasible to avoid the nesting period, a survey for nesting birds shall be conducted by a qualified wildlife biologist no earlier than 7 days prior to construction. The area surveyed shall include all clearing/construction areas as well as areas within 250 feet of the boundaries of these areas or as otherwise determined by the biologist. In the event that an active nest is discovered, clearing/construction shall be postponed within 50 feet of a passerine nest and 250 feet of a raptor nest until the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts.

Impact BIO-2: The Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. (*No Impact*)

The Project site and surrounding area are completely developed with mixed-use commercial/office and residential uses. No riparian habitat or other sensitive natural community

[31] California Department of Fish and Wildlife. 2020. *California Natural Diversity Database RareFind Records Search,* RareFind Version 5. Available: https://www.wildlife.ca.gov/Data/CNDDB/Maps-and-Data. Accessed: August 3, 2020.

is present on the Project site or in the immediate vicinity.[32] The nearest water bodies, are a concrete channel (El Portal Canal) and Mills Creek, approximately 0.4 mile and 1 mile from the Project site, respectively. In addition, the San Francisco Bay located approximately 1 mile from the Project site. Due to the Project's distance from riparian habitats and other sensitive natural communities, the Project would generate ***no impact*** on these resources.

Impact BIO-3: The Project would not have a substantial adverse effect on state or federally protected wetlands, including, but not limited to, marsh, vernal pool, coastal areas, etc., through direct removal, filling, hydrological interruption, or other means. (*No Impact*)

No federally protected wetlands or other jurisdictional waters are present on the Project site or in the immediate vicinity. The nearest federally protected wetland in proximity to the Project site is the riverine habitat approximately 0.4 mile from the site, in an area associated with a concrete channel (El Portal Canal) that carries water to the San Francisco Bay.[33] The Project site is separated from this habitat by dense urban development, including multiple paved roads. Therefore, the Project would have ***no impact*** on state or federally protected wetlands.

Impact BIO-4: The Project could interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. (*Less than Significant with Mitigation Incorporated*)

There are no wetlands or running waters present on or in the vicinity of the Project site. Thus, the Project would not affect fish movement. All Project activities would occur within an already-developed footprint surrounded by development. Therefore, the Project would not result in fragmentation within natural habitats that would interfere with the movement of wildlife. Any common urban-adapted species that currently move through the Project site would continue to be able to do so following construction.

Wildlife corridors are described as pathways or habitat linkages that connect discrete areas of natural open space that would otherwise be separated or fragmented by topography, changes in vegetation, or other natural or manmade obstacles, such as urbanization. Because the Project site, as well as the surrounded area is developed, it does not connect directly to areas of natural open space. Nonetheless, the likelihood exists for trees on the Project site to be used by migratory birds. A potentially significant impact could occur if a substantial number of nesting migratory birds were injured or killed during construction or operation of the Project.

As described in Impact BIO-1, impacts on nesting birds, including migratory birds, would be minimized through implementation of Mitigation Measures BIO-1, Mitigation Measure NOI-1, and compliance with existing lighting regulations. The impact on migratory birds due to construction would be ***less than significant with mitigation***.

Operation of the Project would include new lighting and a new vertical structure with potentially reflective surfaces. The new lighting and the new surfaces of the building could misdirect or confuse migratory birds, resulting in disruption of natural behavioral patterns and possible injury or death from exhaustion or collisions with buildings. The potential for these types of impacts

[32] U.S. Fish and Wildlife Service. 2020. *National Wetland Inventory Wetland Mapper*. Available: https://www.fws.gov/wetlands/. Updated May 2020. Accessed July 17, 2020.
[33] Ibid.

could be heightened because of the Project's location within the Pacific Flyway, a bird migration route, and the site's proximity to San Francisco Bay. Impacts on migratory birds from proposed buildings and increased lighting levels would be potentially significant. Mitigation Measure BIO-2 would require implementation of design standards that would reduce hazards for birds. The impact on migratory birds due to operation of the Project would be ***less than significant with mitigation***.

Mitigation Measure BIO-2: Implement Bird-safe Design Standards into Project Buildings and the Lighting Design. The applicant, or contractor, shall implement the following measures to minimize hazards for birds:

- Reduce large areas of transparent or reflective glass.
- Locate water features, trees, and bird habitat away from building exteriors to reduce reflection.
- Reduce or eliminate the visibility of landscaped areas behind glass.
- Turn non-emergency lighting off at night, especially during bird migration season (February–May and August–November).
- Include window coverings that adequately block light transmission from rooms where interior lighting is used at night and install motion sensors or controls to extinguish lights in unoccupied spaces.
- Design and/or install lighting fixtures that minimize light pollution, including light trespass, over-illumination, glare, light clutter, and skyglow, and use bird-friendly colors for lighting when possible. The City of San Francisco's *Standards for Bird-safe Buildings*[34] provides an overview of building design and lighting guidelines to minimize bird/building collisions that could be used to guide the applicant.

Impact BIO-5: The Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. (*No Impact*)

Municipal Code Section 11.06.020 defines a *protected tree* as any tree with a circumference of 48 inches or more when measured 54 inches above natural grade. A total of 14 trees of four distinct species (Bradford pear, bronze loquat, European white birch, and blackwood acacia) would be removed from the Project site, none of which are identified as protected heritage-sized trees.[35] The Project would not conflict with any local policies or ordinances that protect biological resources and ***no impact*** would occur. In addition, the Project would plant 23 new trees throughout the site, which would replace the trees that would be removed by the Project.

[34] City and County of San Francisco. 2011. *Standards for Bird-safe Buildings*. San Francisco Planning Department. July 14. Available: http://www.sf-planning.org/ftp/files/publications_reports/bird_safe_bldgs/Standards_for_Bird_Safe_Buildings_7-5-11.pdf. Accessed: July 17, 2020.

[35] City of Burlingame. n.d. *Private Protected Tree FAQ*. Available: https://www.burlingame.org/burlingameparksandrecs/trees/private_ protected_tree_faq.php. Accessed: July 20, 2020.

Impact BIO-6: The Project would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan. (*No Impact*)

The Project site is not part of or near an adopted or proposed habitat conservation plan; natural community conservation plan; or any other local, regional, or state habitat conservation plan. The nearest area covered by a habitat conservation plan is the San Bruno Mountain habitat conservation plan, which is more than 5 miles from the Project site. Therefore, the Project would not conflict with the provisions of an adopted habitat conservation plan; natural community conservation plan; or other approved local, regional, or state habitat conservation plan, and ***no impact*** would occur.

4.3.5 Cultural Resources (Archaeological Resources and Human Remains)

This section evaluates the Project's potential impacts on cultural resources, defined as archaeological resources and human remains. Historical cultural resources pertaining to the built environment are discussed in Section 4.2, *Cultural Resources (Built Resources)*.

4.3.5.1 Environmental Setting

The Project site is fully developed with an office building and a subterranean parking lot. Information about the potential to encounter archaeological resources at the Project Site is provided in the *Approach to Analysis,* which identifies the results of the records search and the consultation with Native American tribes.

4.3.5.2 Regulatory Setting

This section summarizes the City, state, and federal policies and plans related to archeological resources and human remains.

Federal

Although the Project is not anticipated to require compliance with Section 106 of the National Historic Preservation Act, the National Register of Historic Places (NRHP), and federal guidelines related to the treatment of cultural resources are relevant for the purposes of determining whether cultural resources, as defined under CEQA, are present and guiding the treatment of such resources. The sections below summarize the relevant federal regulations and guidelines.

National Historic Preservation Act and National Register of Historic Places

Archaeological resources are protected through the National Historic Preservation Act (16 United States Code [U.S.C.] 470f), the Archaeological and Historic Preservation Act of 1974, and the Archaeological Resources Protection Act of 1979. The National Historic Preservation Act requires project review for effects on historic properties only when projects involve federal funding or permitting or occur on federal land; therefore, it is not applicable to discretionary actions at the municipal level. However, the National Historic Preservation Act establishes the NRHP, which provides a framework for resource evaluation and informs the process of determining impacts on historical resources under CEQA.

The NRHP is the nation's official comprehensive inventory of historic resources. Administered by the National Park Service, the NRHP includes buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, state, or local level. Typically, a resource that is more than 50 years of age is eligible for listing in the NRHP if it meets any one of the four eligibility criteria *and* retains sufficient historical integrity. A resource less than 50 years old may be eligible if it can be demonstrated that it is of "exceptional importance" or a contributor to a historic district. NRHP criteria are defined in *National Register Bulletin Number 15: How to Apply the National Register Criteria for Evaluation*.

Properties that are listed in the NRHP, as well as properties that are formally determined to be eligible for listing in the NRHP, are automatically listed in the California register and, therefore, considered historical resources under CEQA.

State

California Environmental Quality Act

CEQA, as codified in Public Resources Code Section 21000 et seq. and implemented by the CEQA Guidelines (14 California Code of Regulations [CCR] Section 15000 et seq.), is the principal statute governing environmental review of projects in California. CEQA defines a historical resource as a property listed in, or eligible for listing in, the California register; included in a qualifying local register; or determined by a lead agency to be historically significant. In order to be considered a historical resource, a property must generally be at least 50 years old. Section 21084.1 of the Public Resources Code and Section 15064.5 of the CEQA Guidelines define a historical resource for purposes of CEQA.

CEQA requires lead agencies to determine if a proposed project would have a significant effect on important historical resources or unique archaeological resources. If a resource is neither a unique archaeological resource nor a historical resource, the CEQA Guidelines note that the effects of the project on that resource shall not be considered a significant effect on the environment (CEQA Guidelines Section 15064.5[c][4]). In addition, projects that comply with the secretary's standards benefit from a regulatory presumption under CEQA that they would have a less-than-significant impact on a historical resource (14 CCR 15126.4[b][1]). Projects that do not comply with the secretary's standards may or may not cause a substantial adverse change in the significance of a historical resource and must be subject to further analysis to assess whether they would result in material impairment of a historical resource's significance.

Under CEQA, a substantial adverse change in the significance of a resource means the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be materially impaired. Actions that would materially impair the significance of a historical resource are any actions that would demolish or adversely alter the physical characteristics that convey the property's historical significance and qualify it for inclusion in the California Register of Historical Resources (CRHR), the NRHP, or in a local register or survey that meets the requirements of Public Resources Code Sections 5020.1(k) and 5024.1(g).

Assembly Bill 52

Tribal cultural resources were originally identified as a distinct CEQA environmental category with the adoption of Assembly Bill (AB) 52 in September 2014. For all projects that are subject to CEQA

that received a notice of preparation, notice of negative declaration, or mitigated negative declaration on or after July 1, 2015, AB 52 requires the lead agency on a proposed project to consult with the geographically affiliated California Native American tribes. The legislation creates a broad new category of environmental resources, "tribal cultural resources," which must be considered under CEQA. AB 52 requires a lead agency to not only consider the resource's scientific and historical value but also whether it is culturally important to a California Native American tribe.

AB 52 defines tribal cultural resources as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are included or determined to be eligible for inclusion in the CRHR; included in a local register of historical resources, as defined in Public Resources Code Section 5020.1(k); or determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to the criteria of Public Resources Code Section 5024.1(c) (CEQA Section 21074).

The CRHR criteria for the listing of resources, as defined in Public Resources Code Section 5024.1(c), are the following:

1. The resource is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
2. The resource is associated with the lives of persons important in our past.
3. The resource embodies the distinctive characteristics of a type, period, region, or method of construction; represents the work of an important creative individual; or possesses high artistic values.
4. The resource has yielded, or may be likely to yield, information important in prehistory or history.

AB 52 also sets up an expanded consultation process. For projects initiated after July 1, 2015, lead agencies are required to provide notice of the proposed projects to any tribe that is traditionally and culturally affiliated with the geographic area that requested to be informed by the lead agency, following Public Resources Code Section 21018.3.1(b). If, within 30 days, a tribe requests consultation, the consultation process must begin before the lead agency can release a draft environmental document. Consultation with the tribe may include discussion of the type of review necessary, the significance of tribal cultural resources, the significance of the project's impacts on the tribal cultural resources, and alternatives and mitigation measures recommended by the tribe. The consultation process will be deemed concluded when either (a) the parties agree to mitigation measures or (b) any party concludes, after a good-faith effort, that an agreement cannot be reached. Any mitigation measures agreed to by the tribe and lead agency must be recommended for inclusion in the environmental document. If a tribe does not request consultation, or otherwise assist in identifying mitigation measures during the consultation process, a lead agency may still consider mitigation measures if the agency determines that a project will cause a substantial adverse change to a tribal cultural resource.

California Register of Historical Resources

The CRHR is "an authoritative listing and guide to be used by state and local agencies, private groups, and citizens in identifying the existing historical resources of the state and indicating which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change" (Public Resources Code Section 5024.1[a]). The CRHR criteria are based on the NRHP criteria (Public Resources Code Section 5024.1[b]). Certain resources are determined by CEQA to be

automatically included in the CRHR, including California properties formally eligible for or listed in the NRHP. To be eligible for the CRHR as a historical resource, a resource must be significant at the local, state, and/or federal level under one or more of the evaluative criteria listed above under Overview of California Register Significance Evaluation. As for the NRHP, a significant historical resource must possess integrity in addition to meeting the significance criteria to be considered eligible for listing in the CRHR. Consideration of integrity for evaluation of CRHR eligibility follows the definitions and criteria from National Park Service *National Register Bulletin 15*.[36]

Local

Burlingame Municipal Code

The Burlingame Municipal Code outlines the Historic Resource Preservation Program, which includes measures to recognize and preserve historical resources in Chapter 21.04*, Historic Resource Preservation* (City of Burlingame 2020). Although this chapter focuses on built resources (e.g., buildings, structures, fences, gates, landscaping, trees, walls, parking facilities, works of art) the City's definition of historical resources is broad enough to include archaeological and tribal cultural resources.

Historical resources are defined in the Burlingame Municipal Code Section 21.04.020 as:

> improvements, buildings, structures, signs, or other objects of scientific, aesthetic, educational, cultural, architectural, or historical significance to the owner, citizens of the city and the state of California, the Bay Area region, or the nation which may be eligible for local designation for historic preservation by the City pursuant to the provisions of this title.

Chapter 21.04 established procedures related to the preservation of historical resources in the Burlingame Historic Resources Register. The Burlingame Historic Resources Register resulted from a citywide inventory of historic resources in 1982, which identified 28 sites and structures suitable for listing.[37]

Per Chapter 21.04, the Historic Resource Preservation Program applies only to the Burlingame Downtown Specific Plan area, which is generally bounded by Oak Grove Avenue, California Drive, Anita Drive, Peninsula Avenue, and El Camino Real. The subject building at 1868-1870 Ogden Drive is not located in the Burlingame Downtown Specific Plan area.

2040 General Plan

In 2019, the City adopted the 2040 General Plan as an update to its existing general plan.[38] The 2040 General Plan defines "historical resources" as:

> A general term that refers to buildings, areas, districts, streets, sites, places, structures, outdoor works of art, natural or agricultural features, and other objects having a special historical, cultural, archaeological, architectural, community, or aesthetic value, and are usually 50 years of age or older. (emphasis added)

[36] U.S. Department of the Interior. 1995. National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation. Available: https://www.nps.gov/subjects/nationalregister/upload/NRB-15_web508.pdf. Accessed: August 11, 2020.
[37] City of Burlingame. 1982. Preliminary Historic Inventory, City of Burlingame. Prepared for Burlingame Planning Commission review, July 26, 1982.
[38] City of Burlingame. 2019. Envision Burlingame: Burlingame General Plan. Available: https://www.burlingame.org/document_center/Planning/General%20and%20Specific%20Plans/BurlingameGP_Final_Nov2019_COMPLETE%20DOCUMENT.pdf. Accessed July 29, 2020.

This definition specifically includes archaeological resources and can be interpreted to include tribal cultural resources under the umbrella term, "cultural resources." The 2040 General Plan includes the following principle and goal related to the protection of historical resources:

Principle 2: Community Character/Urban Forest: Burlingame's physical character is defined by its cherished tree groves and urban forest, distinct neighborhoods and business districts, and historic structures and resources. The City should ensure that these features are respected and enhanced, with streetscape and architectural styles sensitive to long-established forms and features

Goal CC-3: Protect the character and quality of Burlingame's historical buildings, tree groves, open spaces, neighborhoods, and districts.

Goal CC-3 includes sub-goals related to the following: maintaining comprehensive historical resource surveys and investigating opportunities to identify additional historical resources; employing the Secretary of the Interior's Standards during development review involving historical resources; promoting flexible land use standards with regards to rehabilitating historic buildings; designating historic districts; promoting the use of preservation incentives such as the State Historic Building Code, Mills Act, and Federal Rehabilitation Tax Credit; prohibiting the demolition of registered historical resources unless health and safety or feasibility concerns require demolition; and protecting heritage trees.[39]

4.3.5.3 Significance Criteria

CEQA Guidelines Appendix G includes a list of potentially significant project impacts. The Project would have a significant impact on archaeological resources and human remains if it resulted in either of the following:

- Cause a substantial adverse change in the significance of an archaeological resource, as defined in Section 15064.5.
- Disturb any human remains, including those interred outside of formal cemeteries.

4.3.5.4 Approach to Analysis

Records Search

Evaluation of the Project is based on a records search conducted by ICF archaeologist Yuka Oiwa on February 21, 2020, at the Northwestern Information Center (NWIC) of the California Historic Resources Information System in Rohnert Park, California. Information centers are depositories of documentation for known archaeological and historic resources in California. The records search was conducted to identify all known archaeological and built resources within the Project area and within approximately 0.5 mile of the Project site as well previous cultural resources study coverage of the project area.

[39] City of Burlingame. 2019. Envision Burlingame: Burlingame General Plan. GPP-2, CC-29 to CC-32. Available: https://www.burlingame.org/document_center/Planning/General%20and%20Specific%20Plans/BurlingameGP_Final_Nov2019_COMPLETE%20DOCUMENT.pdf. Accessed July 29, 2020.

Records search results indicate that 22 previously conducted cultural resources studies have been conducted within 0.5 mile of the Project site. None of the previously conducted studies resulted in the identification of cultural resources within the Project site or the search radius. One study, S-031131, located at 1655 Sebastian Drive covers a portion of the Project site.[40] No cultural resources were identified within the Project site as a result of this study. No intensive archaeological surveys have yet to be conducted within the Project site to date.

Table 4.3-7 identifies the 18 previously recorded cultural resources within 0.5 mile of the Project site, including eleven formal built resources, five formal archaeological resources, and two informal archaeological resources. The five archaeological resources within 0.5 mile of the Project site are prehistoric shell midden sites. There are no known archaeological resources within the Project site. One prehistoric archaeological site, P-41-000077, is located adjacent to the Project site.[41]

Table 4.3-7. Cultural Resources within 0.5 Mile of the Project Site

Primary Number	Trinomial	Age	Name	Description	Within Project Site?
P-41-000077	CA-SMA-74	Prehistoric	N/A	Shell Midden	Adjacent
P-41-000079		Prehistoric	N/A	Shell Midden	No
P-41-000093	CA-SMA-90	Prehistoric	N/A	Shell Midden	No
P-41-000094	CA-SMA-91	Prehistoric	N/A	Shell Midden	No
P-41-000302	CA-SMA-300	Prehistoric	N/A	Shell Midden	No
P-41-000415		Historic	Peninsula Commute Service (San Francisco and San Jose Railway)	1950s & 1960s Railroad Crossings	No
P-41-000416		Historic	Peninsula Commute Service (San Francisco and San Jose Railway)	1950s & 1960s Railroad Crossings	No
P-41-000640	CA-SMA-172H	Historic	Southern Pacific Depot	Colonial Revival-Style Wood Frame Structure	No
P-41-001696		Historic	San Francisco Water Department	Single-Story Storage Building	No
P-41-001706		Historic	Millbrae Cabinet Shop	Two-Story Commercial Building	No
P-41-001707		Historic	Millbrae Serra Convalescent Hospital	Residential, Rectangular Building	No

[40] Losee, Carolyn. 2005. S-031131. *Records Search Results for T-Mobile Project 13126, 1655 Sebastian Drive, Burlingame, CA 94010 (letter report).* On-file at the Northwestern Information Center in Rohnert Park, California.
[41] Bocek, Barbara. 1990. Department of Parks & Recreation 523 Form: P-41-000077 (CA-SMA-000077). On-file at the Northwestern Information Center in Rohnert Park, California.

Primary Number	Trinomial	Age	Name	Description	Within Project Site?
P-41-001873		Historic	Millbrae Manor	Subdivision of 50 Single Family Houses	No
P-41-002443		Historic	MP 13.90 and 14.31	Two Bridges South of the Millbrae Ave. Overpass	No
P-41-002471		Historic	Peninsula Professional Center	Commercial Buildings	No
P-41-02527		Historic		Two-Story, Single Family House	No
P-41-002536		Historic		Multi-Use Building	No
C-118		Historic		"Unnumbered Site…No details."	No
C-309		Historic		"Railroad Station. Calit and Irwin in Millbrae"	No

Source: Records search conducted by ICF archaeologist Yuka Oiwa on February 21, 2020, at the Northwestern Information Center of the California Historic Resources Information System in Rohnert Park, California.

The geologic setting in the vicinity of the Project site has been altered over time. The Project site sits on the Pleistocene-age Colma Formation.[42] This formation, which predates human occupation in California, is composed of yellowish-orange, brown, and grey marine sediments, with smaller amounts of clay, silt, and gravel.[43] Geotechnical analysis conducted by BAGG Engineers in 2006, and updated in 2019, reported 3 feet of artificial fill sitting on top of Colma Formation.[44] This fill was most likely imported during the early to mid-20th-century development in the area.

[42] Brabb, E.E., R.W. Graymer, and D.L. Jones. 1998. *Geology of the Onshore Part of San Mateo County, California: A Digital Database*. U.S. Geological Survey Open-File Report 98-137. Available: https://pubs.usgs.gov/of/1998/of98-137/. Accessed: April 28, 2020.

[43] Peterson, C.D. E. Stock, J. Meyer, P. Kaijankoski, and D.M. Price. 2015. Origins of Quaternary Coastal Dune Sheets in San Francisco and Monterey Bay, Central California Coast, U.S.A.: Reflecting Contrasts in Shelf Depocenters and Coastal Neotectonics. In *Journal of Coastal Research* 31(6):1317–1333.

[44] BAGG Engineers. 2019. *Report Update: Geotechnical Engineering Investigation, Proposed Seven-Story Multi-Use Building, 1766 El Camino Real, Burlingame, CA.* Prepared for the Certosa Corporation; BAGG Engineers. 2008. *Geotechnical Engineering Investigation Proposed Senior Convalescent Center, 1766 El Camino Real, Burlingame, CA*. Prepared for the Certosa Corporation.

The Oakland Museum's Creek and Watershed Map of San Mateo County shows tidal marshes immediately west of the Project site.[45] Tidal marshes were important resource collection areas for the native people of the Bay Area and are often associated with human occupation. The presence of freshwater creeks north (Millbrae Creek) and south (Mills Creek) of the Project site, shore birds, and marine resources makes the tidal marshes rich in dietary material. Historic aerial photographs depict the Burlingame marshlands gradually succumbing to commercial and small residential developments in the 1940s.[46] In the 1950s, the area of tidal marshes east of the Project site was filled and subdivided.[47] By 1968, the Project site and adjacent lands were completely developed and covered by buildings or pavement.

The presence of prehistoric resources in the vicinity of the Project site, combined with historic nearshore tidal marshes, indicates increased sensitivity for subsurface archaeological materials. In addition, the lack of cultural resource studies for the Project site indicates that the area has not been thoroughly analyzed; therefore, there may be increased potential for encountering as-yet unknown archaeological deposits at the Project site.

Tribal Consultation (AB 52)

To identify tribal cultural resources within the Project area, the Native American Heritage Commission (NAHC) was contacted on July 16, 2020 and asked to provide a list of California Native American tribes that are geographically affiliated with the Project site. A search of the NAHC's Sacred Lands File (SLF)was also requested. On July 17, 2020, the NAHC responded with a list of six individuals for consultation. The search of the SLF was positive, meaning that a tribal cultural resource had been recorded in the vicinity of the Project site. The NAHC recommended ICF contact the Amah Mutsun Tribal Band of Mission San Juan Bautista and the Ohlone Indian Tribe for more information regarding the positive Sacred Lands File search. ICF called Chairperson Irenne Zwierlein of the Amah Mutsun Tribal Band of Mission San Juan Bautista and Andrew Galvan of the Ohlone Indian Tribe on August 3, 2020. To date, neither representative has reached out with additional information regarding the tribal cultural resource found during the SLF search.

On August 4, 2020, after ICF called to confirm that email would be an acceptable form of communication, emails with letters, containing Project details, a location map, and a request for consultation were sent, as an attachment via email, to the following individuals:

- Irenne Zwierlein, Chairperson – Amah Mutsun Tribal Band of Mission San Juan Bautista
- Tony Cerda, Chairperson – Costanoan Rumsen Carmel Tribe
- Ann Marie Sayers, Chairperson – Indian Canyon Mutsun Band of Costanoan
- Monica Arellano, Vice Chairperson – Muwekma Ohlone Indian Tribe of the San Francisco Bay Area
- Charlene Nijmeh, Chairperson – Muwekma Ohlone Indian Tribe of the San Francisco Bay Area
- Andrew Galvan –Ohlone Indian Tribe

[45] Tillery, A.C. J.M. Sowers, and S. Pearce. 2006. C*reek and Watershed Map of San Mateo and Vicinity.* Oakland Museum of California, 1:25,800 scale.

[46] Nationwide Environmental Title Research. 2018. *Historic Aerials*. Available: https://www.historicaerials.com/viewer. Accessed July 25, 2018; EDR. 2020. *The EDR Aerial Photo Decade Package for 1766 El Camino Real, Burlingame, CA*. Prepared for ICF.

[47] Dumovich, Andrea. 2020. *Site Record for 1766 El Camino Real*. Prepared for the NWIC.

As of public release of this Draft EIR no responses have been received from any of the individuals listed above. No tribal cultural resources or burials have been identified as a result of consultation with the Native American groups the NAHC listed as culturally affiliated with the region The Native American consultation materials are included in Appendix E.

4.3.5.5 Impact Evaluation

Impact CR-1, which considers the potential impacts on historical resources is included in Section 4.2. As such, this section begins with Impact CR-2.

Impact CR-2: The Project could cause a substantial adverse change in the significance of an archaeological resource, pursuant to Section 15064.5. (*Less than Significant with Mitigation*)

No archaeological resources were identified at the Project site during the literature review conducted at the NWIC. However, the Project site is in an area that has elevated potential for encountering as-yet unknown archaeological resources. The Project site is adjacent to an area that was previously a tidal marsh with two creeks, which were important resource collection areas and transportation corridors for the native tribes of the Bay Area. In addition, five previously recorded prehistoric midden deposits and two human burials were recorded by studies located within a 0.5 mile of the Project site. The prehistoric and historical context of the Project site indicates elevated sensitivity for subsurface archaeological deposits. Although the previously developed Project site is in an area with known imported fill, the extent of the fill material is unknown. The depth of planned excavation is at least 12 feet below the ground surface (bgs). These deep ground-disturbing activities have the potential to affect intact and as-yet undocumented archaeological resources at the interface between fill and Colma Formation during construction. Therefore, the Project has the potential to affect as-yet unknown prehistoric and historic archaeological resources. Such resources may be eligible for listing in the CRHR. If such resources were to be destroyed by Project-related activities, the impact would be significant.

Implementation of Mitigation Measure CR-3 would prepare contractors to recognize archaeological resources. Mitigation Measure CR-4 would require construction work to stop if an archaeological material or feature is encountered, thereby limiting damage to the resource. It would also require a professional archaeologist to determine the significance of the resource and consult with Native American stakeholders to develop a treatment plan for any archaeological resources found during construction. Implementation of Mitigation Measures CR-3 and CR-4 would ensure that impacts on as-yet unknown cultural resources would be avoided or minimized, resulting in an impact that would be ***less-than-significant with mitigation***.

Mitigation Measure CR-3: Pre-construction Archaeological Sensitivity Training

A qualified archaeologist shall conduct a pre-construction archaeological sensitivity training session for the excavation crew. This training shall include an overview of what cultural resources are and provide information regarding why such resources are important, archaeological terms (such as site, feature, deposit), Project site history, the types of cultural resources that are likely to be uncovered during excavation, the laws that protect cultural resources, and the protocol for unanticipated discoveries (see Mitigation Measure CR-4). All crew members conducting ground disturbance shall attend archaeological sensitivity training. A sign-in sheet shall be provided to track who has attended the training. An "Alert Sheet" shall also be posted in conspicuous locations on the Project site to alert personnel to the procedures and protocols to follow any discovery of potentially significant prehistoric archaeological resources.

Mitigation Measure CR-4: Unanticipated Discovery Protocol

In the event that archaeological resources are encountered during construction, work shall be halted within 100 feet of the discovery and the area avoided until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations. If the find is determined to be potentially significant, the archaeologist, in consultation with the Native American representative, shall develop a treatment plan, which could include site avoidance, capping, or data recovery.

Impact CR-3: The Project could disturb any human remains, including those interred outside of formal cemeteries. (*Less than Significant with Mitigation*)

Although no isolated human remains, cemeteries, or archaeological resources that contain human remains were identified within the Project site during the literature review at the NWIC, the potential exists for previously undiscovered human remains to be encountered during Project demolition or construction. Buried deposits may be eligible for listing in the CRHR; therefore, this impact would be potentially significant.

The NAHC identified sacred lands in the vicinity of the Project site after a review of their SLF on July 17, 2020. The NAHC identified two tribal groups culturally affiliated to the geographic area where the Project site exists. ICF contacted representatives from both tribal groups identified by the NAHC, as well as four additional representatives who may have information regarding sensitive areas in the vicinity of the project area. To date no responses have been received.

The potential exists for previously undiscovered Native American remains to be encountered during Project demolition or construction. Implementation of Mitigation Measure CR-5 would require construction work to be stopped if human remains are encountered during ground-disturbing activities and proper procedures regarding notification to be followed, per Section 50977.98 of the Public Resources Code and Section 7050.5 of the State Health and Safety Code. Implementation of Mitigation Measure CR-5 would ensure that impacts on human remains would be minimized, resulting in an impact that would be ***less than significant with mitigation***.

Mitigation Measure CR-5: Stop Work If Human Remains Are Encountered during Ground-disturbing Activities

If human remains are unearthed during construction, pursuant to Section 50977.98 of the Public Resources Code and Section 7050.5 of the State Health and Safety Code, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains. The county coroner shall be informed to evaluate the nature of the remains. If the remains are determined to be of Native American in origin, the lead agency shall work with the NAHC and the applicant to develop an agreement for treating or disposing of the human remains.

4.3.6 Energy

4.3.6.1 Environmental Setting

Electricity

Grid electricity and natural gas service in Burlingame is provided by Pacific Gas & Electric (PG&E) and Peninsula Clean Energy (PCE). PG&E is a publicly traded utility company that generates, purchases, and transmits energy under contract with the California Public Utilities Commission.

PG&E's service territory is 70,000 square miles in area, roughly extending north to south from Eureka to Bakersfield and east to west from the Sierra Nevada to the Pacific Ocean. PG&E's electricity distribution system consists of 106,681 circuit miles of electric distribution lines and 18,466 circuit miles of interconnected transmission lines.[48] PG&E electricity is generated by a combination of sources, such as hydropower, gas-fired steam, and nuclear energy, as well as newer sources of energy, such as wind turbines and photovoltaic plants, or "solar farms." "The Grid," or bulk electric grid, is a network of high-voltage transmission lines that link power plants to substations. The distribution system, composed of lower-voltage secondary lines, is at the street and neighborhood level. It consists of overhead or underground distribution lines, transformers, switching equipment, and service "drops" that connect to the individual customer.[49]

The City of Burlingame is part of PCE, San Mateo County's electricity provider, which distributes additional renewable power to the region. PCE is a community-choice energy (CCE) program, which is a locally controlled community organization that enables residents and businesses to have a choice regarding where their energy comes from. CCE programs allow local governments to pool the electricity demands of their communities, purchase power with higher renewable content, and reinvest in local infrastructure. Currently, PG&E delivers the power, maintains the lines, and bills customers, but the power is purchased by the CCE program from renewable energy sources such as solar, wind, hydroelectric, geothermal, and biomass.[50]

Natural Gas

PG&E's natural gas (methane) pipe delivery system includes 42,000 miles of distribution pipelines and 6,700 miles of transmission pipelines. Gas delivered by PG&E originates in gas fields in California, the Southwest, Rocky Mountains, and Canada. Transportation pipelines send natural gas from fields and storage facilities in large pipes under high pressure. The smaller distribution pipelines deliver gas to individual businesses or residences. PG&E gas transmission pipeline systems serve approximately 15 million gas and electric energy customers in California. The system is operated under an inspection-and-monitoring program in real time on a 24-hour basis. The program provides leak inspections, surveys, and patrols of the pipelines.[51]

4.3.6.2 Regulatory Setting

This section summarizes the City's and state's policies and plans related to energy. There are no relevant federal regulations related to Energy.

State

California has adopted statewide legislation to address various aspects of climate change and greenhouse gases, which often pertain directly or indirectly to energy resources and uses. This

[48] Pacific Gas & Electric. 2020. *Company Profile*. Available: https://www.pge.com/en_US/about-pge/company-information/profile/profile.page. Accessed: August 3, 2020.
[49] Pacific Gas & Electric. 2020. *PG&E's Electric System*. Available: https://www.pge.com/includes/docs/pdfs/shared/edusafety/systemworks/electric/pge_electric_system.pdf. Accessed: August 3, 2020.
[50] Peninsula Clean Energy. 2015. *Community Guide*. Available: https://www.peninsulacleanenergy.com/wp-content/uploads/2015/10/PCE_community_guide_v2_web.pdf. Accessed: August 3, 2020.
[51] Pacific Gas & Electric. 2020. *Learn about the PG&E Natural Gas System*. Available: https://www.pge.com/en_US/safety/how-the-system-works/natural-gas-system-overview/natural-gas-system-overview.page. Accessed: August 3, 2020.

section is focused on state legislation that specifically mentions energy use or resources. For other state legislation mainly focused on greenhouse gas reduction and climate change, refer to Section 4.3.8, *Greenhouse Gas Emissions*, of this Draft EIR.

Assembly Bill 1493, Pavley Rules (2002, amendments 2009)/Advanced Clean Cars (2011)

Known as Pavley I, AB 1493 provided the nation's first GHG standards for automobiles. AB 1493 required CARB to adopt vehicle standards to lower GHG emissions from automobiles and light-duty trucks to the maximum extent feasible beginning in 2009. In 2012, strengthening of the Pavley standards (referred to previously as Pavley II but now referred to as the Advanced Clean Cars measures) was adopted for vehicle model years 2017 through 2025. Together, the two standards are expected to increase average fuel economy to roughly 54.5 miles per gallon in 2025. The increase in fuel economy will help lower the demand for fossil fuels.

California Energy Efficiency Standards for Residential and Nonresidential Buildings—California Green Building Standards Code (2011), Title 24 Updates

The California Green Building Standards Code (Part 11, Title 24), or CALGreen, was adopted as part of the California Building Standards Code (CCR Title 24). CALGreen applies to the planning, design, operation, construction, use, and occupancy of newly constructed buildings and requires energy- and water-efficient indoor infrastructure to be installed at all new projects beginning January 1, 2011. CALGreen also requires newly constructed building to develop a waste management plan and divert at least 50 percent of the construction materials generated during project construction.

The current 2019 Building Energy Efficiency Standards were adopted in 2019 and took effect on January 1, 2020. Under the 2019 standards, homes will use about 53 percent less energy than homes constructed under the 2016 standards, while nonresidential buildings will use about 30 percent less energy. Later standards are expected to require zero net energy for new commercial buildings.

Executive Order B-16-12 (2012)

Executive Order (EO) B-16-12 orders state entities under the direction of the governor, including CARB, the California Energy Commission, and the California Public Utilities Commission (CPUC), to support rapid commercialization of zero-emission vehicles. It directs these entities to achieve various benchmarks related to zero-emission vehicles.

Senate Bill 350, Chapter 547, Clean Energy and Pollution Reduction Act of 2015

Senate Bill (SB) 350 (DeLeon), also known as the Clean Energy and Pollution Reduction Act of 2015, was approved by California legislature in September 2015 and signed by Governor Brown in October 2015. Its key provisions require the following by 2030: (1) a Renewables Portfolio Standard (RPS)[52] of 50 percent and (2) doubling of the statewide energy efficiency savings related to natural gas and electricity end uses. In order to meet these provisions, the bill requires large utilities to develop and submit integrated resource plans that detail how the utilities will reduce GHG emissions and increase the use of clean energy resources while meeting customers' needs.

[52] The RPS is one of California's key programs for promoting renewable energy use within the state. The program sets forth continuous procurement of renewable energy for load-serving entities within California (California Energy Commission 2020).

Senate Bill 100—The 100 Percent Clean Energy Act of 2018 (2018)

SB 100 builds on SB 350, the Clean Energy and Pollution Reduction Act of 2015. SB 100 increases the 2030 RPS target set in SB 350 to 60 percent and requires an RPS of 100 percent by 2045.

Regional

PG&E Integrated Resource Plan

PG&E adopted the 2018 Integrated Resource Plan (IRP) on August 1, 2018, to provide guidance for serving the electricity and natural gas needs of residents and businesses within its service area while fulfilling regulatory requirements. The IRP contains the following objectives that are relevant to the proposed project:

- **Clean Energy**: In 2017, PG&E delivered nearly 80 percent of its electricity from GHG-free resources and 33 percent of its electricity from RPS-eligible renewable resources, such as solar, wind, geothermal, biomass, and small hydro.
- **Reliability**: PG&E's IRP analysis includes PG&E's contribution to system and local reliability, in compliance with the CPUC's resource adequacy requirements.
- **Affordability**: PG&E's IRP analysis selects resources to meet the state's clean energy and reliability goals and provides a system average rate forecast in compliance with the CPUC's requirements for investor-owned utilities.

Local

2040 General Plan

The 2040 General Plan provides a vision for long-range physical and economic development of the city, provides strategies and specific implementing actions, and establishes a basis for judging whether specific development proposals and public projects are consistent with the City's plans and policy standards. The 2040 General Plan contains a Community Character Element and an Infrastructure Element, which outline policies related to energy usage, reduction, and efficiency. The 2040 General Plan includes the following energy policies that are applicable to the Project:

- Goal CC-1: Incorporate sustainable practices in all development decisions.
- CC-1.7, Solar Energy: Incentivize solar panel installation on existing buildings and new developments.
- CC-1.9, Green Building Practice and Standards: Support the use of sustainable building elements such as green roofs, cisterns, and permeable pavement, continue to enforce the California Green Building Standards Code (CALGreen), periodically revisit the minimum standards required for permit approval, and adopt zero-net-energy building goals for municipal buildings.
- Goal IF-6: Ensure the provision of adequate and safe gas and electric services to Burlingame residents and businesses, and that energy facilities are constructed in a fashion that minimizes their impacts on surrounding development and maximizes efficiency.
- IF-6.1, Utility Provider Coordination: Coordinate with PCE, PG&E, and other service providers to make sure that they provide efficient, reliable, affordable, and state-of-the-art service to Burlingame, and that they promote technological improvements and upgrading of utility

services. Coordinate with providers in the siting and design of gas and electric facilities to minimize environmental, aesthetic, and safety impacts.

Burlingame Municipal Code, Chapter 18, Section 30—Green Building Standards Code

According to the Burlingame Municipal Code Title 18, Building Construction, Chapter 18.30, Green Building Standards Code, formally adopts the 2019 California Green Building Standards Code as part of the City's building construction municipal code to encourage green building measures in the design, construction, and maintenance of buildings. In addition, the ordinance intends to achieve the following goals:

- To encourage conservation of natural resources.
- To reduce waste in landfills generated by construction projects.
- To increase energy efficiency and lower energy usage.
- To reduce the operating and maintenance costs for buildings.
- To promote a healthier indoor environment.
- To promote use of recycled material.

4.3.6.3 Significance Criteria

CEQA Guidelines Appendix G includes a list of potentially significant project impacts. The Project would have a significant energy impact if it resulted in either of the following.

- Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation.
- Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

4.3.6.4 Approach to Analysis

Energy impacts associated with construction and operation of the Project were assessed and quantified where applicable using standard and accepted software tools and techniques. A summary of the methodology for calculating the project's energy use is provided below.

Appendix F of the CEQA Guidelines provides guidance on determining whether a project would result in the wasteful, inefficient, or unnecessary consumption of energy resources. As stated in Appendix F, the goal of conserving energy implies the wise and efficient use of energy. The means for achieving this goal include:

- Decreasing overall per capita energy consumption.
- Decreasing reliance on fossil fuels such as coal, natural gas, and oil.
- Increasing reliance on renewable energy sources.

Based on Appendix F, environmental considerations in the assessment of energy consumption impacts may include the following:

- The project's energy requirements and its energy efficiency by amount and fuel type for each stage of the project, including construction, operation, maintenance, and/or removal. If appropriate, the energy intensiveness of materials may be discussed.
- The effects of the project on local and regional energy supplies and requirements for additional capacity.

- The effects of the project on peak- and base-period demands for electricity and other forms of energy.
- The degree to which the project complies with existing energy standards.
- The effects of the project on energy resources.
- The project's forecast transportation energy use requirements and its overall use of efficient transportation alternatives.

4.3.6.5 Impact Evaluation

Impact EN-1: The Project would not result in a potentially significant environmental impact due to the wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation. (*Less than Significant*)

Construction

Project construction activities would require the use of trucks and other types of heavy equipment that operate on fossil fuels. Construction activities are expected to require approximately 1,118 truck trips between the Project site and the Zanker waste management facility, a distance of 32 miles, to remove demolished materials and excavated soil from the site. In addition to haul trucks, Project construction would require the use of diesel-powered equipment, including, but not limited to, graders, rubber tired dozers, backhoes, cranes, forklifts, concrete and industrial saws, tractors, and loaders.

As discussed in Section 4.3.8, *Greenhouse Gas Emissions*, it is estimated that construction of the Project would generate approximately 555 metric tons of carbon dioxide equivalent, which is equivalent to 120 typical passenger vehicles being added to the road during the construction period. The emissions generated during construction of the Project would result primarily from the use of diesel-powered construction equipment. In addition, the Project would be required to implement relevant policies from the City's Climate Action Plan geared toward reducing construction-related GHG emissions, which would consequently result in energy reductions as well. This is discussed further in Section 4.3.8, *Greenhouse Gas Emissions*. Construction emissions would cease once construction of the Project is complete; therefore, they are considered short term. Construction would not result in wasteful, inefficient, or unnecessary consumption of energy resources. The impact would be ***less than significant***.

Operation

The Project would consume energy to support normal day-to-day operations associated with the proposed residential uses. Vehicles and mass transit used by residents, and visitors/guests when traveling to and from the Project site would require energy in the form of gasoline, diesel, natural gas, and/or electricity. The specific fuel required for transport would depend on the mode of transportation and type of engine used to propel the vehicle. The Project would implement TDM measures to reduce the number of trips generated from the Project (see Appendix B). In addition, the Project would be located near the Millbrae Multimodal Transit Center. Users of the site would be able to use this transit stop instead of a vehicle.

Energy would also be required to heat and cool the proposed building, provide indoor and outdoor lighting, and transport water/wastewater. The Project would be within the 70,000-square-mile PG&E service territory for electricity and natural gas generation, transmission, and distribution. In

addition, PG&E continues to expand its renewable energy portfolio. Because of the Project's size and location within an urban setting, buildout of the Project would not significantly increase energy demand within the service territory and would not require new energy facilities. Energy projections from energy providers within the state anticipate growth from development, such as the Project.

The Project would be required by law to adhere to CCR Title 24, the California Green Building Standards Code (CALGreen), and adopted City energy conservation ordinances and regulations. Unless otherwise noted in the regulation, all newly constructed buildings in California, such as the building constructed as part of the Project, are subject to the requirements of CALGreen, which contains both mandatory and voluntary measures. For residential land uses, there are several mandatory measures, including, but not limited to, energy efficiency, water-conserving plumbing fixtures and fittings, electric vehicle requirements, and specifications for efficient heating, ventilation, and air-conditioning (HVAC) systems. In addition, the Project would be required to implement relevant policies from the City's Climate Action Plan geared toward reducing operation-related GHG emissions, which would indirectly reduce energy consumption as well. This is discussed further in Section 4.3.8, *Greenhouse Gas Emissions*. Accordingly, with implementation of adopted state and City energy conservation measures, the Project would result in a ***less-than-significant impact*** with respect to the wasteful, inefficient, or unnecessary consumption of energy resources.

Impact EN-2: The Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. (*Less than Significant*)

The Project would be required to use energy-efficient building materials and construction practices, in accordance with CALGreen and Chapter 18.30 of the Municipal Code, which contains the Green Building Standards Code. The Project would also use modern appliances and equipment, in accordance with the 2006 Appliance Efficiency Regulations (CCR Title 20, Sections 1601 through 1608). Per these requirements, the Project would use recycled construction materials; environmentally sustainable building materials; designs that reduce the amount of energy used in building heating and cooling systems, compared to conventionally built structures; and landscaping that incorporates water-efficient irrigation systems, all of which would conserve energy. In addition, the City's 2040 General Plan contains goals, policies, and programs that require local planning and development decisions to consider impacts on energy resources. The Project would adhere to 2040 General Plan goals, policies, and programs, which would serve to increase energy conservation and minimize potential impacts associated with energy use. As part of the City's approval process, the Project, would be required to comply with existing regulations, including 2040 General Plan policies and zoning regulations that promote energy conservation and efficiency by requiring sustainable building practices and reducing automobile dependency. Furthermore, implementation of the City's Climate Action Plan and compliance with CALGreen, as well as other applicable state and local energy efficiency measures, would result in energy conservation and savings. Refer to Section 4.3.8, *Greenhouse Gas Emissions,* for additional discussion on the Project's consistency with regulations related to sustainability. The Project would result in a ***less-than-significant impact*** related to conflicting with a state or local plan for renewable energy and energy efficiency.

4.3.7 Geology and Soils

4.3.7.1 Environmental Setting

The city of Burlingame is in the Coast Ranges geomorphic province, in eastern San Mateo County, and adjacent to San Francisco Bay.[53] The Bay Area is considered one of the most seismically active areas in the country and therefore subject to the effects of earthquakes. The city of Burlingame, as well as the Project site, is situated in the central portion of the San Francisco Peninsula, at the eastern edge of a system of ridges, valleys, and hills that lie east of the northwesterly-trending rift valley of the active San Andreas fault. The San Andreas fault is a major fault that traverses the Bay Area, extending from the Gulf of California in Mexico to Cape Mendocino in California. The great 1906 earthquake in San Francisco occurred along the San Andreas fault.[54]

The Project site ranges in elevation from approximately 60 to 63 feet *North American Vertical Datum of 1988* (NAVD 88)[55] along Ogden Drive to approximately 51.05 to 53 feet NAVD 88 along the interior boundary of the site. The topography is relatively flat, sloping gently toward the east, with the predominant slope establish for the driveway entrances from Ogden Drive down into the sites first floor parking level. The Project site is underlain by artificial fill, consisting of poorly consolidated to well-consolidated gravel, sand, silt, and rock fragments; along with Colma Formation deposits of Pleistocene age consisting of weakly consolidated, moderately well bedded clay, sand, and gravel; and lastly by Alluvial Fan Deposits consisting of unconsolidated sand and silt up to 50 feet deep in fan canyons.[56] Three test boring logs analyzed for the site indicate the presence of medium dense to very dense silty fine-grained sands and clay within the first 14.5 feet bgs. Although no groundwater was encountered during boring samples during periods of heavy rain, groundwater seepage may exist within the zone penetrated by borings.[57] Actual groundwater levels fluctuate seasonally with variations in rainfall, temperature, and other factors.

As previously stated, the Project site is in an area that is subject to earthquakes. The Alquist-Priolo Earthquake Fault Zoning Act (1972) and the Seismic Hazards Mapping Act (1990) direct the State Geologist to delineate regulatory zones to help cities and counties prevent the construction of buildings for human occupancy on the surface trace of active faults. The Project site is not in a currently established California Earthquake Fault Zone.[58] Furthermore, no active or potentially active faults are known to pass directly beneath the site.[59] However, the Project site is near several active faults that are capable of generating large earthquakes. USGS estimates there is a 6.4 percent probability of a 6.7-magnitude earthquake on the San Andreas fault by 2044. The Hayward fault is considered more probable to have a significant event, with the USGS stating a 31

[53] California Geological Survey. 2002. *California Geomorphic Provinces*. (Note 36). Available: https://www.coastal.ca.gov/coastalvoices/resources/California_Geomorphic_Provinces.pdf. Accessed: July 15, 2020.
[54] GeoForensics Inc. 2003. *Geotechnical Investigations for Proposed New Shear Walls at the Ogden Drive Property 1868-1870 Ogden Drive, Burlingame, CA*. April 2003. Prepared for Mr. T. Erler and Mr. Kalinowski.
[55] A "vertical datum" is a surface of zero elevation to which heights of various points are referenced. The North American Vertical Datum of 1988 (NAVD 88) is the vertical datum for height above sea level established for vertical control surveying in the United States of America.
[56] Ibid.
[57] Ibid.
[58] California Geological Survey. n.d. *Earthquake Zones of Required Investigation*. Available: https://maps.conservation.ca.gov/cgs/eqzapp/app/. Accessed: July 16, 2020.
[59] GeoForensics Inc. 2003. *Geotechnical Investigations for Proposed New Shear Walls at the Ogden Drive Property 1868-1870 Ogden Drive, Burlingame, CA*. April 2003. Prepared for Mr. T Erler and Mr. Kalinowski.

percent chance for a 6.8 to 7.0 earthquake by 2042.[60] Table 4.3-8 shows the regional faults, the distance from the Project site, and the probability of an earthquake with a magnitude greater than 6.7 within 30 years.

Table 4.3-8. Regional Faults

Fault Name	Approximate Distance to Project Site (miles)	Probability of a Magnitude > 6.7 in 30 years (%)
San Andreas (Peninsula, Subsection 9)	1.6	18
San Gregorio (North, Subsection 7)	8.6	6
Hayward (So, Subsection 6)	16.8	31
Calaveras (No, Subsection 2)	25.4	12

Source: U.S. Geological Survey and California Geological Survey. 2018. *Historic Fault and Fold Database for the United States.* KML files accessed through Google Earth. Available: https://www.usgs.gov/natural-hazards/earthquake-hazards/faults. Accessed July 16, 2020.
U.S. Geological Survey. 2015. *UCERF3: A New Earthquake Forecast for California's Complex Fault System, USGS Google Earth File with fault probabilities*, March 2015. Available: http://www.wgcep.org/UCERF3. Accessed July 27, 2020

The Project site is not mapped as having the potential for liquefaction.[61] Nor is the Project site subject to landslides, though it is located near areas that may be subject to landslides.[62]

Paleontological Resources

Paleontological resources are fossilized remains, traces, or imprints of once-living organisms that have been preserved in rocks and sediments, providing evidence of past life on Earth. The Society of Vertebrate Paleontology[63] states that significant paleontological resources include fossils of identifiable vertebrate fossils, large or small, and uncommon invertebrate, plant, and trace fossils. The potential for an area to yield significant paleontological resources depends on the geologic age and origin of the underlying rock.

No known paleontological resources have been recorded at the Project site.[64] However, paleontological resources have been recovered from multiple locations in the San Francisco Bay Area, including inland San Mateo County.[65] In addition, as mentioned above, the Project site is underlain by Colma Formation deposits of Pleistocene age.[66]

[60] City of Burlingame. 2019. *Community Safety Element.* Adopted January 7.
[61] California Geological Survey. 2019. *Earthquake Zones of Required Investigation Montara Mountain Quadrangle*. Available: https://gmw.conservation.ca.gov/SHP/EZRIM/Maps/MONTARA_MOUNTAIN_EZRIM.pdf. Accessed: July 16, 2020.
[62] Ibid.
[63] Society of Vertebrate Paleontology. 2010. *Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources.* Available: vertpaleo.org/Membership/Member-Ethics/SVP_Impact_Mitigation_Guidelines.aspx. Accessed: July 16, 2020.
[64] University of California Museum of Paleontology. 2020. *Specimen Search*. Available: https://ucmpdb.berkeley.edu/. Accessed: April 10, 2020.
[65] Ibid.
[66] GeoForensics Inc. 2003. *Geotechnical Investigations for Proposed New Shear Walls at the Ogden Drive Property 1868-1870 Ogden Drive, Burlingame, CA*. April 2003. Prepared for Mr. T Erler and Mr. Kalinowski.

4.3.7.2 Regulatory Setting

This section summarizes the City, state, and federal policies, plans, and regulations related to geology, soils, and paleontological resources.

Federal

The federal Paleontological Resources Preservation Act of 2002 was enacted to codify the generally accepted practice of limiting the collection of vertebrate fossils and other rare and scientifically significant fossils to qualified researchers. These researchers must obtain a permit from the appropriate state or federal agency and agree to donate any materials recovered to recognized public institutions, where they will remain accessible to the public and to other researchers.

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was enacted as the Special Studies Zones Act in 1971 to prevent land development and construction of structures for human occupancy directly across the trace of active faults. The law required the State Geologist to delineate approximately 0.25-mile-wide zones along surface traces of active faults. The act defines an *active* fault as one that has ruptured the ground surface within the past 11,000 years. Prior to approving construction of structures for human occupancy, permit authorities must require a project's applicant to submit a fault investigation report for review and approval by the local jurisdiction.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act was enacted in 1990 to control land development and construction of structures for human occupancy in areas with a potential for ground deformation related to seismic activity. The Seismic Hazards Mapping Act requires that the State Geologist issue Official Seismic Hazard Zones Maps that delineate zones within which there may be a potential for earthquake-induced landslides or liquefaction. Prior to approving specific types of development, local permit authorities require a project's applicant to submit a geotechnical investigation report for review and approval by the jurisdiction.

International Building Code (2012) and American Society of Civil Engineers (2010)

These codes and standards provide minimum design loads for buildings and other structures. They would be used for the design of the maintenance facilities and stations. Sections in the International Building Code and American Society of Civil Engineers provide minimum requirements for geotechnical investigations, levels of earthquake ground shaking, minimum standards for structural design, and inspection and testing requirements.

California Building Standards Code

CCR Title 24, the California Building Standards Code, governs the design and construction of buildings, associated facilities, and equipment and applies to most buildings in California. Standards cover general building design and construction requirements related to fire and life safety, structural safety, and access compliance.

California Environmental Quality Act and California Environmental Quality Act Guidelines for Protection of Paleontological Resources

Appendix G of the CEQA Guidelines provides an environmental checklist of questions that a lead agency should normally address if relevant to a project's environmental impacts. One of the questions to be answered in the Environmental Checklist (Section 15023, Appendix G, Section V, part c) is: "Would the project directly or indirectly destroy a unique paleontological resource or site?" Although CEQA does not define what constitutes "a unique paleontological resource or site," Section 21083.2 defines *unique archaeological resources* as

> any archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:
>
> - Contains information needed to answer important scientific research questions and show that there is a demonstrable public interest in that information.
> - Exhibits a special and particular quality, such as being the oldest of its type or the best available example of its type.
> - Is directly associated with a scientifically recognized important prehistoric or historic event or person.

This definition is equally applicable to recognizing a unique paleontological resource or site. CEQA Section 15064.7(a)(3)(D) provides additional guidance, indicating that "generally, a resource shall be considered historically significant if it has yielded, or may be likely to yield, information important in prehistory or history."

The CEQA lead agency having jurisdiction over a project is responsible for ensuring that paleontological resources are protected in compliance with CEQA and other applicable statutes. California Public Resources Code Section 21081.6, *Mitigation Monitoring Compliance and Reporting*, requires that the CEQA lead agency demonstrate project compliance with mitigation measures developed during the environmental impact review process.

Local

2040 General Plan

The 2040 General Plan Community Safety Element contains policies to avoid or mitigate geology and soils impacts resulting from development within the city. The project would be subject to conformance with applicable 2040 General Plan policies, including those listed below.

- **Goal CS-7:** Protect people and buildings in Burlingame by reducing the risks associated with geologic and seismic hazards.
- **CS-7.3: Geologic Review:** Create and implement a geologic review procedure that requires geologic reports be prepared as part of the development review process.

Burlingame Municipal Code

The Burlingame Municipal Code Title 18, Building Construction, addresses the City's adoption of the 2019 California Building Code including appendices H, J, K, O, Q, S, V, and X for all residential projects.

4.3.7.3 Significance Criteria

CEQA Guidelines Appendix G includes a list of potentially significant project impacts. The Project would have a significant geology and soils impact if it resulted in any of the following.

- Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving any of the following:
    a. Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42).
    b. Strong seismic ground shaking.
    c. Seismically related ground failure, including liquefaction.
    d. Landslides.
- Result in substantial soil erosion or the loss of topsoil.
- Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse.
- Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial direct or indirect risks to life or property.
- Have soils that would be incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

4.3.7.4 Approach to Analysis

Impacts related to geology, soils, and seismicity are analyzed qualitatively, based on a review of published geologic and soils information for the study area and on professional judgment, in accordance with the current standard of care for geotechnical engineering and engineering geology. The analysis focuses on the potential of the Project construction and operation to increase the risk of personal injury, loss of life, and damage to property as a result of existing geologic conditions in the Project site.

4.3.7.5 Impact Evaluation

Impact GEO-1: The Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

a. Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other

substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42) (*Less than Significant*)

The Project site is not within an earthquake fault zone, as defined by the Alquist-Priolo Earthquake Fault Zoning Act (1972) or the Seismic Hazards Mapping Act (1990), and no known fault or potentially active fault exists within the Project site.[67] In seismically active areas, such as the San Francisco Bay Area, the remote possibility exists for future faulting in areas where faults were not previously mapped; however, the likelihood of surface fault rupture as a result of seismic activity at the Project site is low and the impact would be ***less than significant***.[68]

b. Strong seismic ground shaking (*Less than Significant)*

The city of Burlingame lies close to historically active faults that can generate strong earthquakes. Development within the city is likely to be subject to strong seismic ground shaking. This includes development at the Project site. The intensity of earthquake ground motions would depend on the characteristics of the generating fault, distance to the fault and rupture zone, earthquake magnitude, earthquake duration, and site-specific geologic conditions. The San Andreas fault is the closest active fault to the Project site, approximately 1.6 miles from the Project site. This fault is estimated to have an 18 percent change of producing an earthquake with a magnitude greater than 6.7 sometime within the next 30 years. Accordingly, implementation of the Project would expose people and structures to strong seismic ground shaking in case of earthquake. However, according to Municipal Code Title 18, Chapter 8.010, Burlingame has adopted the 2019 California Building Standards Code, (including appendices H, J, K, O, Q, S, V, and X). The code requires a design-level geotechnical study to be performed for structures that would be built in areas with known geological hazards, including seismic hazards. Implementation of the recommendations provided in the design-level Project geotechnical study would minimize risks to public safety and ensure a ***less-than-significant*** impact.

c. Seismically related ground failure, including liquefaction (*Less than Significant)*

As discussed above, the city of Burlingame lies close to historically active faults that can generate strong earthquakes. In addition, as explained under *Environmental Setting*, the Project site is mapped as not having very high susceptibility to liquefaction. Based on the subsurface investigation, the site is underlain by resistant materials and shallow depths.[69] According to Municipal Code Title 18, Chapters 8.010, Burlingame has adopted the 2019 California Building Standards Code, (including appendices H, J, K, O, Q, S, V, and X). The code requires a design-level geotechnical study to be performed for structures that would be built in areas with known geological hazards. With implementation of the recommendations provided in the design-level Project geotechnical study, impacts related to expansive soils would be ***less than significant***.

d. Landslides (*No Impact*)

As discussed above, the Project site is not within a mapped landslide zone or a designated earthquake-induced landslide zone, as shown on the California Geological Survey seismic hazard zone map for the area. The Project site is relatively flat, with minor grade variations for drainage

[67] California Geological Survey. n.d. *Earthquake Zones of Required Investigation*. Available: https://maps.conservation.ca.gov/cgs/eqzapp/app/. Accessed: July 16, 2020.
[68] GeoForensics Inc. 2003. *Geotechnical Investigations for Proposed New Shear Walls at the Ogden Drive Property 1868-1870 Ogden Drive, Burlingame, CA*. April 2003. Prepared for Mr. T Erler and Mr. Kalinowski.
[69] Ibid.

purposes. Therefore, the Project would not exacerbate landslide risks. There would be ***no impact*** related to landslide hazards.

Impact GEO-2: The Project would not result in substantial soil erosion or the loss of topsoil. (*Less than Significant*)

The Project site is fully developed and occupied with a two-story, office building with parking. The two-story building and asphalt parking lot would be demolished and removed as part of the Project. Construction activities would be required to comply with the provisions in Appendix J of the 2007 California Building Code with respect to grading, excavating, and earthwork. In addition, because more than 10,000 square feet but less than 1 acre of soil would be affected by the Project, the Project would be subject to a Stormwater Construction Pollution Prevention Permit that stipulates erosion control requirements. The Project specific Stormwater Construction Pollution Prevention Permit would identify potential sources of sediment and other pollutants and prescribe BMPs to ensure that potential adverse erosion, siltation, and contamination impacts do not occur during construction activities. Implementation of the Stormwater Construction Pollution Prevention Permit with BMPs would control stormwater runoff emanating from the construction site. BMPs may include damp street sweeping; appropriate covers, drains, and storage precautions for outdoor material storage areas; and temporary cover for disturbed surfaces, which would help to minimize erosion. Furthermore, Project conformance to City of Burlingame grading standards and the San Mateo County Stormwater Management Plan would prevent substantial erosion from construction and implementation. Therefore, the impact would be ***less than significant.***

Impact GEO-3: The Project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse. (*Less than Significant*)

Liquefaction occurs when saturated soils lose strength and stiffness with applied stress, such as during an earthquake. The lack of cohesion causes solid soil to behave like a liquid, resulting in ground deformation. Ground deformation can take on many forms, including, but not limited to, flow failure, lateral spreading, lowering of the ground surface, ground settlement, loss of bearing strength, ground fissures, and sand boils. Liquefaction within subsurface layers, which can occur during ground shaking associated with an earthquake, could result in ground settlement. The soil types most susceptible to liquefaction are loose to moderately dense, saturated non-cohesive soils with poor drainage, such as sands and silts with interbedded or capping layers of relatively low permeability. Lateral spreading typically occurs on gentle slopes with a rapid fluid-like flow. It can also occur when the potential exists for liquefaction in underlying saturated soils.

As discussed above, the Project site is not in an area with the potential for liquefaction and the geotechnical report did not discover groundwater at a shallow depth.[70, 71] While the risk related to these geologic conditions is low, the Project would also be required to conform to the California Building Standards Code to withstand earthquakes and other soil hazards and to implement all building design recommendations made by the Geotechnical Engineer, as further explained below.

[70] California Geological Survey. 2019. *Earthquake Zones of Required Investigation Montara Mountain Quadrangle*. Available: https://gmw.conservation.ca.gov/SHP/EZRIM/Maps/MONTARA_MOUNTAIN_EZRIM.pdf. Accessed: July 16, 2020.

[71] GeoForensics Inc. 2003. *Geotechnical Investigations for Proposed New Shear Walls at the Ogden Drive Property 1868-1870 Ogden Drive, Burlingame, CA*. April 2003. Prepared for Mr. T Erler and Mr. Kalinowski.

With incorporation of code requirements and recommendations made by the Geotechnical Engineer, the potential for liquefaction at the Project site would be ***less than significant***.

According to USGS, subsidence is the gradual settling or sinking of the surface due to the movement of subsurface materials. The main cause of subsidence in California is groundwater pumping;[72] however, subsidence can also be caused by peat loss and oil extraction. Burlingame has not experienced subsidence due to the aforementioned factors, either historically or recently; therefore, the potential for subsidence at the Project site is low. Soil collapse can occur after wetting collapsible soils, load application, or some combination of both.[73] Collapsible soils, which are generally found in arid or semi-arid regions, are low-density silty soils with large air spaces or gaps between the grains of soil.[74] The analysis conducted in the geotechnical report suggests that Project site soils have high strength parameters, which would result in a low potential for lateral spreading, subsidence, and collapse.[75]

As identified by the California Geological Survey, the Project site is not within a landslide hazard zone; therefore, it would not result in onsite or offsite landslides.[76] Furthermore, there are no open faces or slopes near the Project site. The Project specific geotechnical investigation identified the Project site as having a low potential for liquefaction. [77] In addition, the Project would not cause lateral spreading because of the developed nature of the site and surrounding area.[78] According to Municipal Code Title 18, Chapter 8.010, the City has adopted the 2019 California Building Standards Code, (including appendices H, J, K, O, Q, S, V, and X). The code requires a design-level geotechnical study to be performed for structures that would be built in areas with known geological hazards. With implementation of the Geotechnical Engineer's recommendations provided in the design-level Project geotechnical study, the Project would be designed to withstand soil hazards at the site. The Project impact would be ***less than significant***.

Impact GEO-4: The Project would not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property. (*Less than Significant*)

Expansive soils are characterized by their ability to undergo significant volume changes (i.e., shrink and swell) with variations in moisture content. Expansive soils are typically very fine grained and have a high to very high percentage of clay. They can damage structures and buried utilities and increase maintenance requirements. The Project site is underlain by medium dense to very dense

[72] U.S. *Geological* Survey. n.d. *Land Subsidence in California*. Available: https://www.usgs.gov/centers/ca-water-ls. Accessed: July 29, 2020.
[73] U.S. Department of the Interior. 1992. *Characteristics and Problems of Collapsible Soils*. Bureau of Reclamation, Denver Office, Research and Laboratory Services Division, Materials Engineering Branch. Available: https://www.usbr.gov/tsc/techreferences/rec/R9202.pdf. Accessed: July 29, 2020.
[74] Colorado Geological Survey. 2018. *Collapsible Soils*. Available: https://coloradogeologicalsurvey.org/2018/28848-collapsible-soils/. Published July 12. Accessed: July 29, 2020.
[75] GeoForensics Inc. 2003. *Geotechnical Investigations for Proposed New Shear Walls at the Ogden Drive Property 1868-1870 Ogden Drive, Burlingame, CA*. April 2003. Prepared for Mr. T Erler and Mr. Kalinowski.
[76] California Geological Survey. 2019. *Earthquake Zones of Required Investigation Montara Mountain Quadrangle*. Available: https://gmw.conservation.ca.gov/SHP/EZRIM/Maps/MONTARA_MOUNTAIN_EZRIM.pdf. Accessed: July 16, 2020.
[77] GeoForensics Inc. 2003. *Geotechnical Investigations for Proposed New Shear Walls at the Ogden Drive Property 1868-1870 Ogden Drive, Burlingame, CA*. April 2003. Prepared for Mr. T Erler and Mr. Kalinowski.
[78] Ibid.

silty fine-grained sands and clay within the first 14.5 feet, the expansive properties of which are unknown but should be assumed to be expansive.[79]

According to Municipal Code Title 18, Chapter 8.010, the City has adopted the 2019 California Building Standards Code, including appendices H, J, K, O, Q, S, V, and X. The code requires a design-level geotechnical study to be performed for structures that would be built in areas with known geological hazards. Although the Project would involve excavation for the construction of the below grade parking structure, recommendations made in the field by the Geotechnical Engineer and outlined in the preliminary geotechnical investigation would be followed. If required, fill soil would be approved by the Geotechnical Engineer before import to the site. With implementation of the recommendations provided in the design-level Project geotechnical study, impacts related to expansive soils would be ***less than significant***.

Impact GEO-5: The Project would not have soils that would be incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. (*No Impact*)

The Project site would dispose of wastewater by using the existing wastewater infrastructure operated by the City. No aspect of the Project would entail any new use of septic tanks or alternative wastewater disposal systems. Therefore, there would be ***no impact*** related to the use of septic tanks or alternative wastewater disposal systems.

Impact GEO-6: The Project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. (*Less than Significant with Mitigation Implemented*)

The Project site is underlain by the Colma Formation (Qc), which dates to the Pleistocene age.[80] Therefore, the potential exists for paleontological resources to be present in the soil. The Project would require excavation to a depth of at least 12 feet bgs. Accordingly, excavation at the Project site has the potential to disturb significant paleontological resources. Such disturbance would constitute a significant impact. Mitigation Measure GEO-1 would require all work to stop if a paleontological resource is discovered and a professional paleontologist to evaluate the resource and implement protective measures, as needed. With implementation of this mitigation measure, the impact would be ***less than significant with mitigation***.

Mitigation Measure GEO-1: Stop Work in Case of Discovery of Paleontological Resources

Discovery of a paleontological specimen during any phase of the Project shall result in work stoppage in the vicinity of the find until it can be evaluated by a professional paleontologist. Should loss or damage be detected, additional protective measures or further action (e.g., resource removal), as determined by the professional paleontologist, shall be implemented to mitigate the impact prior to the continuation of work.

[79] GeoForensics Inc. 2003. *Geotechnical Investigations for Proposed New Shear Walls at the Ogden Drive Property 1868-1870 Ogden Drive, Burlingame, CA*. April 2003. Prepared for Mr. T Erler and Mr. Kalinowski.
[80] Ibid.

4.3.8 Greenhouse Gas Emissions

4.3.8.1 Regulatory Setting

This section summarizes the City, state, and federal policies and plans related to greenhouse gas emissions.

Federal

The National Highway Traffic Safety Administration (NHTSA) sets the Corporate Average Fuel Economy (CAFE) standards to improve average fuel economy and reduce GHG emissions generated by cars and light-duty trucks. NHTSA and EPA have proposed amendments to the current fuel efficiency standards for passenger cars and light-duty trucks and new standards for model years 2021 through 2026. Under the SAFE Vehicles Rule, current 2020 standards would be maintained through 2026. California, 22 other states, the District of Columbia, and two cities filed suit against the proposed action on September 20, 2019 (*California et al. v. United States Department of Transportation et al*., 1:19-cv-02826, U.S. District Court for the District of Columbia). The lawsuit requests a "permanent injunction prohibiting defendants from implementing or relying on the preemption regulation" but does not stay its implementation during legal deliberations. Part 1 of the SAFE Vehicles Rule went into effect on November 26, 2019. Part 2 of the rule was finalized on March 30, 2020. The rule will decrease the stringency of the CAFE standards 1.5 percent each year through model year 2026; the standards issued in 2012 would have required annual fuel efficiency increases of about 5 percent.

State

California has established various regulations to address GHG emissions. The most relevant of these regulations are described below.

State Legislative Reduction Targets

AB 32 (Chapter 488, Statutes of 2006), the Global Warming Solutions Act of 2006, requires the state to reduce GHG emissions to 1990 levels by 2020. SB 32 (2016) requires the state to reduce emissions to 40 percent below the 1990 level by 2030. The state's plan to reach these targets is presented in periodic scoping plans. CARB adopted the 2017 climate change scoping plan in November 2017 to meet the GHG reduction requirement set forth in SB 32[81] and proposed continuing the major programs of the previous scoping plan (e.g., programs involving cap-and-trade regulation, low-carbon fuel standards, more efficient cars and trucks, more efficient freight movement, the RPS, methane emissions from agricultural and other wastes). The current scoping plan articulates a key role for local governments, recommending that they establish GHG reduction goals for both their municipal operations and the community consistent with those of the state.

Executive Order Reduction Targets

In 2005, EO S-3-05 established goals to reduce California's GHG emissions to (1) 2000 levels by 2010 (achieved), (2) 1990 levels by 2020, and (3) a level 80 percent below the 1990 levels by 2050. In 2018, EO B-55-18 established a new state goal to achieve carbon neutrality as soon as possible

[81] California Air Resources Board. 2017a. *The 2017 Climate Change Scoping Plan Update: The Strategy for Achieving California's 2030 GHG Target.* January. Available: https://ww3.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf. Accessed: July 2020.

(no later than 2045) and achieve and maintain net negative emissions thereafter. EOs are binding on state government agencies but are not legally binding on cities and counties or on private development.

Renewables Portfolio Standard

SBs 1078 (2002), 107 (2006), 2 (2011), and 100 (2015) govern California's RPS, under which investor-owned utilities, energy service providers, and Community Choice Aggregators must procure additional retail sales each year from eligible renewable sources. The current goals for renewable sources are 60 percent by 2030 and 100 percent by 2045.

Energy Efficiency Standards

The California Green Building Standards Code (Title 24, proposed Part 11) was adopted as part of the California Building Standards Code (CCR Title 24). Part 11 established voluntary standards (known as the CALGreen standards) that became mandatory under the 2010 edition of the code. The standards concerned sustainable site development, energy efficiency (in excess of California Energy Code requirements), water conservation, material conservation, and internal air contaminants. The current energy efficiency standards were adopted in 2019 and took effect on January 1, 2020.

Vehicle Efficiency Standards

AB 1493 requires CARB**Error! Bookmark not defined.** to develop and implement regulations to reduce automobile and light-truck GHG emissions. Stricter emissions standards for automobiles and light trucks went into effect beginning with the 2009 model year. Although litigation challenged these regulations and EPA initially denied California's related request for a waiver, the waiver request was granted.[82] In 2012, additional strengthening of the Pavley standards (referred to previously as *Pavley II* and now referred to as the *Advanced Clean Cars* measure) was adopted for vehicle model years 2017 through 2025. Together, the two standards are expected to increase average fuel economy to roughly 54.5 miles per gallon by 2025.

Low Carbon Fuel Standard

With EO S-01-07, Governor Schwarzenegger set forth the low-carbon fuel standard (LCFS) for California. Under this 2007 EO, the carbon intensity of California's transportation fuels would be reduced by at least 10 percent by 2020. In September 2018, to help achieve the SB 32 emissions reduction target, the LCFS regulation was amended; the statewide goal became a 20 percent reduction in the carbon intensity of California's transportation fuels by at least 2030. Note that the majority of the emissions benefits related to the LCFS come from the fuel production cycle (upstream emissions) rather than the combustion cycle (tailpipe emissions).

Regional Land Use and Transportation Planning to Reduce Vehicle Miles Traveled

SB 375, signed into law by Governor Schwarzenegger on September 30, 2008, became effective January 1, 2009. This law requires the state's 18 metropolitan planning organizations to develop sustainable communities strategies (SCSs) as part of their regional transportation plans (RTPs) through integrated land use and transportation planning and demonstrate the ability to attain the 2020 and 2035 GHG emissions reduction targets that CARB established for the region. This would be

[82] However, California's waiver to set state-specific standards is currently uncertain because of the SAFE Vehicles Rule.

accomplished through either the financially constrained SCS as part of the RTP or an unconstrained alternative planning strategy. If regions develop integrated land use, housing, and transportation plans that meet the SB 375 targets, new projects in these regions can be relieved of certain CEQA review requirements.

Short-Lived Climate Pollutants Reduction Strategy

SB 605 directed CARB, in coordination with other state agencies and local air districts, to develop the comprehensive Short-Lived Climate Pollutants Reduction Strategy (SLCP Reduction Strategy). SB 1383 directed CARB to approve and implement the SLCP Reduction Strategy to achieve the following reductions:

- 40 percent reduction in methane, below 2013 levels, by 2030.
- 40 percent reduction in hydrofluorocarbon gases, below 2013 levels, by 2030.
- 50 percent reduction in anthropogenic black carbon, below 2013 levels, by 2030.

CARB adopted the SLCP Reduction Strategy in March 2017 as a framework for achieving the methane, hydrofluorocarbon, and anthropogenic black carbon reduction targets set by SB 1383. The SLCP Reduction Strategy includes 10 measures that fit within a wide range of ongoing planning efforts throughout the state. CARB and the California Department of Resources Recycling and Recovery are currently developing regulations to achieve these goals.

Local

Metropolitan Transportation Commission

The MTC is the metropolitan planning organization for the nine counties that make up the San Francisco Bay Area and the SFBAAB, which includes the city of Burlingame. As described above, SB 375 requires the metropolitan planning organizations to prepare RTPs/SCSs that present integrated regional land use and transportation approaches for reducing VMT and their associated GHG emissions. CARB identified an initial goal for the SFBAAB, which is to reduce VMT per capita by 7 percent by 2020 and 15 percent by 2035 compared to 2005 levels. The MTC adopted a RTP/SCS in 2013 known as *Plan Bay Area,* which was updated in 2017 and named *Plan Bay Area 2040,* to meet the initial goal. In 2018, CARB updated the per capita GHG emissions reduction targets, which called for a 10 percent per capita GHG reduction by 2020 and 19 percent per capita reduction by 2035 compared to 2005 levels.[83] MTC will be addressing the revised goals in the next RTP/SCS.

Plan Bay Area 2040 and the next RTP/SCS are relevant to the Project because the CEQA Guidelines require an assessment of a project's consistency with plans to reduce GHG emissions.

Bay Area Air Quality Management District

As discussed in Section 4.3.3, *Air Quality*, BAAQMD is responsible for air quality planning within the SFBAAB, including projects in the city of Burlingame. BAAQMD has adopted advisory emissions thresholds to assist CEQA lead agencies in determining the level of significance of a project's GHG emissions; the thresholds are outlined in the agency's *California Environmental Quality Act: Air*

[83] California Air Resources Board. 2018b. *Regional Plan Targets*. March. Available: https://ww2.arb.ca.gov/our-work/programs/sustainable-communities-program/regional-plan-targets. Accessed: July 2020.

Quality Guidelines.[84] The emissions thresholds apply only to projects with build-out years prior to 2020. The BAAQMD CEQA Guidelines also outline methods for quantifying GHG emissions as well as potential mitigation measures.

City of Burlingame Climate Action Plan

The Climate Action Plan, adopted in 2019, is a comprehensive GHG emissions reduction strategy for achieving the city's fair share of statewide emissions reductions within the 2020 and 2030 timeframe, consistent with AB 32 and SB 32. The Climate Action Plan also forecasts annual GHG emissions and provides reduction targets for 2040 and 2050. However, the Climate Action Plan notes that:

> It is speculative to demonstrate achievement with longer-term goals for 2040 and 2050, based on the information known today. Furthermore, the BAAQMD does not currently recommend demonstrating compliance with these future years.[85]

The City's Climate Action Plan specifies general plan policies as well as Climate Action Plan actions, including feasible GHG emissions reduction measures, which are implemented on a project-by-project basis, to achieve the City's reduction targets through 2030. CEQA clearance for discretionary development proposals is required to address the consistency of individual projects with the reduction measures in a jurisdiction's qualified Climate Action Plan as well as the goals and policies in the general plan to reduce GHG emissions. Compliance with appropriate measures in the Climate Action Plan would ensure an individual project's consistency with an adopted GHG reduction plan. Projects that are consistent with the qualified Climate Action Plan would have a less-than-significant impact related to GHG emissions generated through the 2030 planning horizon of the Climate Action Plan. The City's 2019 Climate Action Plan was prepared consistent with CEQA Guidelines Section 15183.5 and is therefore a qualified strategy, and the Project is eligible to tier from it.

The Climate Action Plan provides a consistency checklist application to ensure that development projects in the city are consistent with the Climate Action Plan and provide a streamlined review process for projects while undergoing CEQA review. The Climate Action Plan states that "projects that are consistent with the Climate Action Plan (as demonstrated using the checklist) may rely on the Climate Action Plan for the impact analysis of GHG emissions, as required under CEQA."

4.3.8.2 Significance Criteria

CEQA Guidelines Appendix G includes a list of potentially significant project impacts. The Project would have a GHG emissions impact if it would:

- Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment.
- Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of GHGs.

CEQA Guidelines Section 15064.4 provides guidance to lead agencies for determining the significance of environmental impacts pertaining to GHG emissions. Section 15064.4(a) states that

[84] Bay Area Air Quality Management District. 2017a. *California Environmental Quality Act: Air Quality Guidelines*. May. Available: http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed: July 2020.

[85] City of Burlingame. 2019. *City of Burlingame 2030 Climate Action Plan.* Available: https://www.burlingame.org/document_center/Sustainability/CAP/Climate%20Action%20Plan_FINAL.pdf#page=50. Accessed: July 2020.

a lead agency should make a good-faith effort that is based, to the extent possible, on scientific and factual data to describe, calculate, or estimate the amount of GHG emissions that would result from implementation of a project. CEQA Guidelines Section 15064.4(b) also states that, when assessing the significance of impacts from GHG emissions, a lead agency should consider (1) the extent to which the project may increase or reduce GHG emissions compared with existing conditions, (2) whether the project's GHG emissions would exceed a threshold of significance that the lead agency has determined to be applicable to the project, and (3) the extent to which the project would comply with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions.

The approach to evaluating the significance of the Project's emissions with respect to the two questions above is further assessed in terms of construction emissions and operational emissions. The approach for both construction and operational emissions is discussed below.

Construction Emissions

The BAAQMD CEQA Guidelines do not identify a GHG emission threshold for construction emissions. Instead, BAAQMD recommends that GHG emissions from construction be quantified and disclosed. BAAQMD further recommends incorporation of BMPs to reduce GHG emissions during construction, as feasible and applicable. This approach is used to evaluate construction-generated emissions.

Operational Emissions

The California Supreme Court's decision in *Center for Biological Diversity et al. vs. California Department of Fish and Wildlife, the Newhall Land and Farming Company* (62 Cal.4th 204) confirmed that there are multiple potential pathways for evaluating GHG emissions consistent with CEQA. Several air quality management agencies throughout the state have also drafted or adopted varying threshold approaches and guidelines for analyzing GHG emissions in CEQA documents. Common threshold approaches include (1) compliance with a qualified GHG reduction strategy, (2) numeric "bright-line" thresholds, (3) efficiency-based thresholds, (4) performance-based reductions,[86] and (5) compliance with regulatory programs.

Of the above threshold approaches and guidelines recommended by the various air quality management agencies across the state to determine the significance of GHG emissions, analysis of the Project is based on compliance with the City's 2019 Climate Action Plan, which is a qualified GHG reduction strategy that extends through 2030.

The BAAQMD CEQA Guidelines state that "if a project, including stationary sources, is located in a community with an adopted qualified GHG reduction strategy, the project may be considered less than significant if it is consistent with the GHG reduction strategy."[87] The analysis of emissions from Project sources (e.g., sources related to energy consumption, water consumption, waste generation, mobile sources) is based on the Climate Action Plan's consistency checklist.

[86] Performance-based thresholds are based on a percentage reduction from a projected future condition (e.g., reducing future business-as-usual emissions to meet the SB 32 target [40% below 1990 levels] through a combination of state measures; project design features, such as renewable energy; or mitigation.
[87] Bay Area Air Quality Management District. 2017a. *California Environmental Quality Act: Air Quality Guidelines.* May. Available: http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed: July 2020.

4.3.8.3 Approach to Analysis

Construction Emissions

Construction of the Project would generate GHG emissions from mobile and stationary construction equipment exhaust, employee and haul truck vehicle exhaust, and electricity consumption to power temporary construction site offices. The BAAQMD CEQA Guidelines do not identify a GHG emissions threshold for construction-related emissions; however, they do recommend that GHG emissions from construction be quantified and disclosed. The annual GHG emissions from construction were estimated similarly to criteria pollutant emissions (see Section 4.3.3, *Air Quality*) using CalEEMod. Please refer to Appendix D for the construction modeling inputs and CalEEMod outputs.

Operations Emissions

As described below under Impact GHG-1, quantification of operational emissions is not required as part of the GHG analysis. The Project's GHG emissions are not used to determine the significance of the Project's impacts since the impact determination is made through consistency with the Climate Action Plan.

4.3.8.4 Impact Evaluation

Impact GHG-1: The Project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment during construction and operation. (*Less than Significant*)

Construction

Construction is anticipated to span approximately 20 months. Construction activities would generate direct emissions of CO_2, methane, and nitrous oxide from mobile and stationary construction equipment as well as employees'/vendors' vehicles and trucks for hauling materials. Indirect emissions would occur with the use of electricity to power mobile offices. The GHG emissions generated during construction are summarized in Table 4.3-9. As shown in Table 4.3-9, it is estimated that construction of the Project would generate approximately 555 MT of carbon dioxide equivalent in total. This is equivalent to adding 120 typical passenger vehicles to the road during the construction period**Error! Bookmark not defined.**.[88] Emissions generated during construction of the Project would be associated primarily with diesel-powered construction equipment (e.g., excavators) and on-road vehicle trips. Construction emissions would cease once construction of the Project is complete; therefore, they are considered short term.

[88]U.S. Environmental Protection Agency. 2020. *Greenhouse Gas Equivalencies Calculator*. March. Available: https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator. Accessed: July 2020.

Table 4.3-9. Estimated GHG Emissions from Project Construction (metric tons per year)

Year[a]	CO_2	CH_4	N_2O	CO_2e
2020	87	< 0.1	< 0.1	88
2021	326	0.1	< 0.1	328
2022	139	< 0.1	< 0.1	139
Total	552	0.1	< 0.1	555

CO_2 = carbon dioxide; CH_4 = methane; N_2O = nitrous oxide; CO_2e = carbon dioxide equivalent, including the relative warming capacity (i.e., global warming potential) of each GHG

[a] Emissions were originally calculated assuming that construction would occur from November 2020 to July 2022. It was later determined that construction would not occur until January 2022 to September 2023. Therefore, the emissions presented above represent conservatively high estimates, as the emission intensity of vehicles and offroad equipment will decrease in future years due to technology improvements and more stringent regulations.

The BAAQMD CEQA Guidelines do not identify a GHG emissions threshold for construction-related emissions; however, they do recommend that GHG emissions from construction be quantified and disclosed and a determination regarding the significance of the GHG emissions be made with respect to whether the project in question is consistent with state goals regarding reductions in GHG emissions. As discussed below, the Project would be consistent with the City's Climate Action Plan, an adopted and qualified GHG reduction strategy. The Climate Action Plan's consistency checklist would require the Project to comply with BAAQMD's BMPs for reducing GHG emissions from construction (see Appendix D). The Project would ensure that GHG emissions during construction would be minimized through implementation of BAAQMD's BMPs. Therefore, this impact would be ***less than significant.***

Operation

BAAQMD's CEQA Guidelines state that "if a project, including stationary sources, is located in a community with an adopted qualified GHG reduction strategy, the project may be considered less than significant if it is consistent with the GHG reduction strategy." The analysis of emissions from Project sources (e.g., sources related to energy consumption, water consumption, waste generation, mobile sources, land use changes) is based on the Climate Action Plan's consistency checklist. As discussed below, the Project would be consistent with the City's Climate Action Plan, an adopted and qualified GHG reduction strategy (see Appendix D). Therefore, quantification of operational emissions is not required as part of the GHG analysis. The Project's GHG emissions are not used to determine the significance of the Project's impacts since the impact determination is made through consistency with the Climate Action Plan.

GHG emissions sources associated with operation of the Project include on-road vehicles, landscaping equipment, landfill waste, electricity for building energy and water, and changes to land uses. Potential impacts from these sources are determined by using the City's 2019 Climate Action Plan consistency checklist. To be consistent with the City's 2019 Climate Action Plan, the Project would be subject to the measures in the Climate Action Plan consistency checklist.

As discussed in Appendix D, the Project would satisfy all requirements of the checklist and therefore be consistent with the Climate Action Plan. The City's local GHG reduction targets are consistent with the long-term GHG reduction goals of SB 32. Because the Project would be consistent with the City's GHG reduction strategy, it would also be consistent with the GHG reduction goals of SB 32 and would not conflict with this plan. Pursuant to the CEQA Guidelines, the Project's incremental

contribution to cumulative GHG emissions would not be cumulatively considerable if the Project complies with the requirements of the Climate Action Plan. Therefore, GHG impacts from operation of the Project would be ***less than significant.***

Impact GHG-2: The Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. (*Less than Significant*)

Regarding plans adopted for the purpose of reducing GHG emissions, AB 32 and SB 32 have been adopted at the statewide level. At the local level, the Climate Action Plan is the City's plan to reduce GHG emissions. The Project's consistency with these three plans is assessed to determine the significance of this impact. In addition, the Project's consistency with the 2017 Clean Air Plan, SB 375/Plan Bay Area 2040, and EO B-55-18 is also reviewed.

Assembly Bill 32 and Senate Bill 32

AB 32 codifies the state's GHG emissions reduction targets for 2020. CARB adopted the 2008 scoping plan and 2014 first update as a framework for achieving AB 32. The 2008 scoping plan and 2014 first update outlined a series of technologically feasible and cost-effective measures to reduce statewide GHG emissions. CARB adopted the 2017 climate change scoping plan in November 2017 as a framework for achieving the 2030 GHG reduction goal described in SB 32.

Transportation-related GHG reduction strategies and policies applicable to the Project outlined in the 2008, 2014, and 2017 scoping plans include the mobile-source strategy, which encourages a reduction in VMT through implementation of SB 375 and regional SCSs as well as other VMT reduction strategies. The scoping plans also discuss existing and proposed water conservation measures (e.g., implementing water reuse systems and reducing the amount of impervious surfaces on land). GHG reduction strategies related to trees and vegetation are also described in the scoping plans.

The Project includes numerous sustainability features that are consistent with scoping plan strategies and policies to reduce construction-related and operational GHG emissions. The Project would include a TDM plan, incorporating strategies to achieve a 20 percent reduction in trip generation rates. The Project would provide eight parking spaces with charging stations for electric vehicles. There would be 93 bicycle parking spaces in the basement, public plaza, and ground floor to support trips from non-emitting modes. In addition, the Project will achieve the energy efficiency provisions of the Title 24 building standards. The building would include water-conserving appliances and low-flow fixtures. Outdoor water conservation measures would include installing and maintaining water-efficient landscaping, such as plant material with low water usage to minimize irrigation requirements. Lastly, the Project would provide a net increase in the number of trees and area of vegetative landscaping. These Project features would be consistent with the energy, vehicle, water conservation, and vegetation-related measures in the scoping plans. Accordingly, the Project would not conflict with applicable policies described in the scoping plans for AB 32 and SB 32.

Consistency with the 2017 Climate Change Scoping Plan

The consistency of the Project with the policies in the 2017 climate change scoping plan for achieving the 2030 GHG target is analyzed in Table 4.3-10.

Table 4.3-10. Consistency of Project with 2017 Scoping Plan Policies[a]

Policy	Primary Objective	Proposed Plan Consistency Analysis
SB 350	Reduce GHG emissions in the electricity sector through implementation of the 50 percent RPS, doubling energy savings, and taking other actions as appropriate to achieve GHG emissions reductions and planning targets in the Integrated Resource Plan process.	This policy is a state program that requires no action at the local or project level. Nonetheless, development of the Project would be consistent with the energy-saving objective of this measure. The Project would install Energy Star appliances and achieve the energy efficiency provisions of the Title 24 building standards.
Low-Carbon Fuel Standard	Transition to cleaner/less-polluting fuels that have a lower carbon footprint.	These policies are a state program that requires no action at the local or project level. Nonetheless, the Project would optimize public transit as well as bicyclist and pedestrian access to the site by locating the Project within a TPA, near the Millbrae Multimodal Transit Center, adjacent to local bus routes, and adjacent to routes that provide safe and convenient access for bicyclists and pedestrians. There would be 93 bicycle storage spaces throughout the public plaza.
Mobile-Source Strategy (Cleaner Technology and Fuels Scenario)	Reduce GHGs and other pollutants from the transportation sector through a transition to zero-emission and low-emission vehicles, cleaner transit systems, and reductions in VMT.	
SB 1383	Approve and implement the SLCP Reduction Strategy to reduce highly potent GHGs.	These policies represent a state program that requires no action at the local or project level. It is not applicable to the Project.
California Sustainable Freight Action Plan	Improve freight efficiency, transition to zero-emission technologies, and increase competitiveness in California's freight system.	
Post-2020 Cap-and-Trade Program	Reduce GHGs across the largest GHG emissions sources.	

Note:
[a] The scoping plan policies included in this table are those representing the state strategy for meeting the 2030 GHG target of SB 32.

As shown, the Project would not conflict with or hinder implementation of the policies in the 2017 climate change scoping plan.

City of Burlingame Climate Action Plan

The City's 2019 Climate Action Plan identifies a series of GHG emissions reduction measures for implementation by development projects, thereby allowing the City to achieve its GHG reduction goals for 2020 and 2030. The Project would be evaluated against the City's Climate Action Plan by using the consistency checklist. As discussed in Appendix D, the Project would satisfy all requirements of the checklist and therefore be consistent with the Climate Action Plan. Because the

Project would satisfy the requirements of the Climate Action Plan consistency checklist, it would not conflict with the City's Climate Action Plan.

Bay Area 2017 Clean Air Plan

The 2017 Clean Air Plan includes performance objectives, consistent with the state's climate protection goals under AB 32 and SB 375, to reduce GHG emissions to 1990 levels by 2020 and a level 40 percent below 1990 levels by 2035. The 2017 Clean Air Plan identifies a range of transportation control measures, land use and local impact measures, and energy and climate measures, which make up the Clean Air Plan's control strategy for emissions, including GHGs.

As described above, the Project would include numerous objectives and measures to reduce construction and operational GHG emissions. The Project would be consistent with the following Clean Air Plan measures:

- BL1: Green Buildings
- BL2: Decarbonized Buildings
- NW2: Urban Tree Planting
- TR9: Bicycle and Pedestrian Access and Facilities
- TR10: Land Use Strategies
- TR13: Parking Policies to Reduce VMT
- TR22: Construction, Freight, and Farming Equipment
- WR2: Support Water Conservation

Plan Bay Area 2040/California Senate Bill 375

Under the requirements of SB 375, the MTC and ABAG developed an SCS, along with the adopted Plan Bay Area 2040, to achieve the Bay Area's regional GHG reduction target. Targets for the San Francisco Bay Area, approved by CARB in March 2018, include a 10 percent reduction in GHG per capita from passenger vehicles by 2020 compared with emissions in 2005. The adopted target for 2035 is a 19 percent reduction in GHG per capita from passenger vehicles compared with emissions in 2005. The emission reduction targets are associated with land use and transportation strategies only.

It is estimated that the Project would generate up to 400 daily trips.[89] However, the Project would include a TDM plan, incorporating strategies to achieve a 20 percent reduction in trip generation rates (yielding approximately 320 daily Project trips). In addition, implementation of the Project would optimize public transit as well as bicyclist and pedestrian access to the site by locating the Project within a TPA, near the Millbrae Multimodal Transit Center, adjacent to local bus routes, and adjacent to routes that provide safe and convenient access for bicyclists and pedestrians. There would be 93 bicycle storage spaces throughout the Project site. These features would support alternative transportation within the community, which could help reduce the number of vehicle trips, VMT, and per capita GHG emissions from passenger vehicles, consistent with Plan Bay Area 2040.

[89] Ibid.

Executive Order B-55-18

Although many GHG reduction measures outlined in the 2017 scoping plan will continue to be implemented and enhanced beyond 2030, no plan for meeting the carbon neutrality goal described in EO B-55-18 has yet been adopted. In addition, EOs are binding only on state agencies and do not expressly apply to private residential developments, such as the Project.

The Association of Environmental Professionals (AEP) Climate Change Committee recommended in a 2016 white paper that CEQA analyses for projects with post-2020 development, such as the Project, not only consider "consistency with the 2020/AB 32-based framework but also analyze the consequences of post-2020 GHG emissions in terms of their impacts on the reduction trajectory from 2020 toward 2050." AEP further recommends that the "significance determination…should be based on consistency with 'substantial progress' along a post-2020 trajectory." The 2016 AEP white paper is advisory only and not binding guidance or an adopted set of CEQA thresholds. However, the CEQA Guidelines do authorize a lead agency to consider thresholds of significance recommended by experts, such as members of the AEP Climate Change Committee, which consists of leaders from climate action planning practices as well as the consulting firms and agencies that have lead many of the local GHG reduction planning efforts across California.

As stated above, the Project would include numerous sustainability features to reduce construction-related and operational GHG emissions. The Project would include a TDM plan, incorporating strategies to achieve a 20 percent reduction in trip generation rates. In addition, the Project would provide eight parking spaces with charging stations for electric vehicles as well as 93 bicycle storage spaces to support trips from non-emitting modes. In addition, the Project would install Energy Star appliances and achieve the energy efficiency provisions of the Title 24 building standards. The building would include water-conserving appliances and low-flow fixtures. Outdoor water conservation measures would include installing and maintaining water-efficient landscaping, such as plant material with low water usage to minimize irrigation requirements. Lastly, the Project would provide a net increase in the number of trees and vegetative landscaping. It is also possible that future adopted state and federal actions would further reduce the Project's emissions. Accordingly, it is assumed that the Project's emission levels would be consistent with the goals in EO B-55-18.

Conclusion

The Project includes numerous objectives and measures that are consistent with applicable policies described in the scoping plans for AB 32, SB 32, the City Climate Action Plan, the Bay Area 2017 Climate Action Plan, and Plan Bay Area 2040. Consequently, the Project would not conflict with achievement of the AB 32 reduction goal for 2020, SB 32 reduction goals for 2030, or the RTP/SCS reduction goals for 2020 and 2035. The Project would therefore be consistent with the state's GHG emission reduction trajectory. This impact would be ***less than significant***.

4.3.9 Hazards and Hazardous Materials

4.3.9.1 Environmental Setting

Hazardous Materials

The environmental setting for hazards and hazardous materials is based on the Phase I Environmental Site Assessment (Phase I ESA) that was prepared for the Project site in 2001 by Subsurface Consultants, Inc.[90] The information is supplemented with a subsequent investigation targeting asbestos containing materials,[91] and is updated by Environmental Data Resources (EDR) in 2020.[92]

The purpose of the Phase I ESA prepared for the Project site was to identify potential environmental concerns associated with the past or present use, generation, storage or disposal of hazardous materials and/or wastes at the Project site and at nearby properties that may have impacted the Project site.[93] As part of the approach for the Phase I ESA, historic reports were reviewed.[94] The previous studies particularly catalogued the presence and remediation related to asbestos-containing materials within onsite flooring, ceiling and insulation. The most recent 2001 Phase I ESA did not identify any significant concerns associated with the Project site. The one minor concern identified was associated with the historic presence of asbestos-containing materials in onsite structures, which the Phase I ESA report found could be classified as historic recognized environmental conditions[95] that may require no further assessment or remedial activities. In 2007, following the findings of the 2001 Phase I ESA, Van Brunt Associates prepared a letter report following an additional asbestos investigation.[96] The letter determined that eight of 22 samples contained asbestos, and that all of the asbestos containing materials were in good condition.[97]

[90] Subsurface Consultants, Inc. 2001. *Phase I Environmental Site Assessment 1868 – 1870 Ogden Drive, Burlingame, California, SCI 532.057*. Prepared January 9.

[91] Van Brunt Associates. 2007. *Letter Report for Limited Asbestos Inspection, 1868-1870 Ogden Drive, Burlingame.* Prepared for Mr. Tom Kalinowski, Ogden Properties LLC. May 28.

[92] Environmental Data Resources. 2020. *The EDR Radius Map Report with GeoCheck*. Final. Shelton CT. Inquiry Number 5991384.2s. Prepared for ICF Irvine CA.

[93] Subsurface Consultants, Inc. 2001. *Phase I Environmental Site Assessment 1868 – 1870 Ogden Drive, Burlingame, California, SCI 532.057*. Prepared January 9.

[94] These included a Phase I ESA prepared by Phase One Inc., July 1995; a Phase I ESA Update prepared by KTR Environmental Services, Inc., August 14, 1997; a Proposal for building renovation work letter prepared by Bluewater Environmental Services, Inc., September 9, 1997, and hazardous waste manifests for disposal of asbestos containing materials and polychlorinated biphenyls; an Air Quality Assessment letter prepared by the M. F. Lundeen Company, October 15, 1997; and a Phase I ESA prepared by Clayton Environmental Consultants September 18, 1998.

[95] Phase One classifies an environmental condition as a potential or possible condition when it involves issues that appear to pose no immediate threat to a site, given current knowledge of site conditions, or it is the current commercial or customary practice to do so.

[96] Van Brunt Associates. 2007. *Letter Report for Limited Asbestos Inspection, 1868-1870 Ogden Drive, Burlingame.* Prepared for Mr. Tom Kalinowski, Ogden Properties LLC. May 28.

[97] Ibid.

In addition to banning the use of asbestos containing materials, the federal government banned the manufacture of lead-based paint in 1978; therefore, paints manufactured before 1978 may contain lead. The Department of Housing and Urban Development and the California Department of Health Services have defined lead-based paint as any paint that is more than 0.5 percent lead by weight. The California Division of Occupational Safety and Health (Cal/OSHA) states that work that involves the disturbance of materials that are more than 0.06 percent lead by weight must be conducted in accordance with the Construction Lead Standard (CCR Title 8, Section 1532.1). Because of the age of building at the Project site (built in 1963-43), lead-based paint may be present at the site.

At the time of preparation of the Phase I ESA, the Project site was not identified as a site with releases of hazardous materials or violations. Offsite properties with some potential to affect the Project site (because of the offsite location's environmental history) are addressed below.

The Project site was listed in the EDR report as Ogden Properties, LLC, and as Ogden Office Associates. The Project site was identified in the Facility and Manifest Data (HAZNET) and Hazardous Waste Tracking System (HWTS) databases as a site with a history of hazardous material handling (materials handled have included asbestos containing waste and waste material containing polychlorinated biphenyls). However, the Project site was not identified with releases of hazardous materials into the environment or violations associated with any of the aforementioned listings.

EDR identified the following offsite properties (within 0.25 mile of the Project site) as having the potential to affect the Project site due to the offsite location's environmental history:

- **Mills High School, 400 Murchison Drive.** The site is located approximately 0.07 mile from the Project site. The site is listed in the Leaking Underground Storage Tank (LUST) database with a Completed – Case Closed status. The site was listed with a diesel release to onsite soils. The site was granted closure by the San Mateo County Local Oversight Program (LOP) in January of 1998. In addition, the site was listed as a School Investigation site under the Department of Toxic Substances Control's Site Cleanup Program. No contaminants were found onsite (during the investigation) and the site was granted a No Action Required status (2001).
- **Primo Cleaners, 1560 Trousdale Drive.** The site is approximately 0.16 mile from the Project site. It is listed as a LUST and Cleanup Program Site – Spills, Leaks, Investigations and Cleanup (CPS-SLIC) site with tetrachloroethylene- and trichloroethylene-affected indoor air, soil, and soil vapor. The site is listed as Open and undergoing a site assessment (as of 2015). As the site exhibits indoor air, soil and soil vapor impacts only, the potential of affecting the Project site is low.
- **Holiday Cleaners, 1883 El Camino Real.** The site is located approximately 0.20 mile from the Project site. The site is listed in the CPS-SLIC database with a Completed – Case Closed status (2010). The site was listed with a tetrachloroethylene, trichloroethylene and vinyl chloride release to soil and groundwater (with indoor air also affected). The site was granted closure by the San Mateo County LOP in December of 2010. In addition, the site was listed as a Cleanup Program Site under the San Francisco Bay Regional Water Quality Control Board's (RWQCB) Brownfields database. The site was granted a *Completed - Case Closed* status in December of 2010.
- **Spring Valley School, 817 Murchison Drive.** The site is located approximately 0.23 mile from the Project site. The site is listed as a School Investigation site under the Department of Toxic Substances Control (DTSC) Site Cleanup Program, with potential pesticide/insecticide/ rodenticide impacts on soils. No contaminants were found during the investigation and the site was granted *No Further Action* status in July of 2011.

Three of the four sites listed have been granted closure by the applicable oversight agency. The remaining site, Primo Cleaners site is the only site listed as *open* and active. However, impacts are identified as being to indoor air, soil, and soil vapor only. As impacts to soil, soil vapor, and indoor air are not expected to migrate offsite, potential impacts associated with the offsite properties listed above is considered low.

GeoTracker is the State Water Board's data management system for sites that affect, or have the potential to affect, water quality in California, with emphasis placed on groundwater. GeoTracker contains records for sites that require cleanup, such as LUST sites, Department of Defense sites, and cleanup program sites. GeoTracker also contains records of various unregulated projects as well as permitted facilities (e.g., irrigated lands, oil and gas production sites, permitted and operating underground storage tanks, land disposal sites). A GeoTracker database query yielded no results for the Project site.[98]

EnviroStor is the DTSC data management system for tracking cleanup, permitting, enforcement, and investigation efforts at hazardous waste facilities and sites with known contamination or sites where there may be reasons to investigate further. An EnviroStor database query yielded no results for the Project site.[99]

Schools, Airports, and Wildfire

The Project site is located within 0.25 mile from several schools. Mills High School and Spring Valley Elementary School are located approximately 0.07 mile and 0.2 mile from the Project site, respectively. Franklin Elementary School and Burlingame Intermediate School are located approximately 0.3 mile from the Project site. The Project site is approximately 0.9 mile from the San Francisco International Airport (SFO). An Airport Land Use Compatibility Plan (ALUCP) has been adopted for SFO.[100] The Project is not within 2 miles of a private airstrip. The city of Burlingame falls within a California Department of Forestry and Fire Protection (CAL FIRE) LRA.[101] The city is zoned as a Non-Very High Fire Hazard Severity Zone (FHSZ).

4.3.9.2 Regulatory Setting

This section summarizes the City, state, and federal policies and regulations related to hazards and hazardous materials.

Federal and State

Many federal, state, and local regulations regarding the transport, use, or disposal of hazardous materials would apply to the Project. The Federal Toxic Substances Control Act (1976) and the Resource Conservation and Recovery Act of 1976 (RCRA) established an EPA-administered program to regulate the generation, transport, treatment, storage, and disposal of hazardous waste. The RCRA

[98] State Water Resources Control Board. 2020. *GeoTracker*. Available: https://geotracker.waterboards.ca.gov/. Accessed: July 31, 2020.

[99] Department of Toxic Substances Control. 2020. *EnviroStor*. Available: https://www.envirostor.dtsc.ca.gov/public/. Accessed: July 31, 2020.

[100] Ricondo & Associates, Jacobs Consultancy, and Clarion Associates. 2012. *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport.* November. Available: http://ccag.ca.gov/wp-content/uploads/2014/10/Consolidated_CCAG_ALUCP_November-20121.pdf. Accessed: July 31, 2020.

[101] California Department of Forestry and Fire Protection. 2008. *San Mateo County FHSZ Map: Local Responsibility Area*. Available: https://osfm.fire.ca.gov/media/6800/fhszl_map41.pdf. Accessed: July 31, 2020.

was amended in 1984 by the Hazardous and Solid Waste Act, which affirmed and extended the "cradle to grave" system of regulating hazardous waste.

U.S. Department of Transportation (DOT) Hazardous Materials Regulations cover all aspects of hazardous materials packaging, handling, and transportation. Parts 107 (Hazard Materials Program), 130 (Oil Spill Prevention and Response), 172 (Emergency Response), and 177 (Highway Transportation) would all apply to the Project and/or surrounding uses.

The DTSC, a department of CalEPA, is the primary agency in California for regulating hazardous waste, cleaning up existing contamination, and finding ways to reduce the amount of hazardous waste produced in California. Division 20, Chapter 6.5, of the California Health and Safety Code deals with hazardous waste control through regulations pertaining to the transport, treatment, recycling, disposal, enforcement, and permitting of hazardous waste. Division 20, Chapter 6.10, contains regulations applicable to the cleanup of hazardous materials releases. Title 22, Division 4.5, contains the environmental health standards for the management of hazardous waste. This includes standards for identification of hazardous waste (Chapter 11) and standards applicable to transporters of hazardous waste (Chapter 13).

The Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program) (California Health and Safety Code, Chapter 6.11, Sections 25404–25404.9) consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities of environmental and emergency response programs and provides authority to the Certified Unified Program Agency (CUPA). The CUPA is designed to protect public health and the environment from accidental releases and improper handling, storage, transportation, and disposal of hazardous materials and wastes. This is accomplished through inspections, emergency response, enforcement, and site mitigation oversight. The CUPA for Burlingame is San Mateo County Health.[102]

Cal/OSHA and the federal Occupational Safety and Health Administration enforce occupational safety standards to minimize worker safety risks from both physical and chemical hazards in the workplace. Cal/OSHA assumes primary responsibility for developing and enforcing standards for safe workplaces and work practices, all of which would be applicable to construction of the Project. The standards included in Cal/OSHA's Title 8 include regulations pertaining to hazard control (including administrative and engineering controls), hazardous chemical labeling and training requirements, hazardous exposure prevention, hazardous material management, and hazardous waste operations.

The California Labor Code is a collection of regulations that include regulation of the workplace to ensure appropriate training on the use and handling of hazardous materials and the operation of equipment and machines that use, store, transport, or dispose of hazardous materials. Division 5, Part 1, Chapter 2.5, ensures that employees who handle hazardous materials are appropriately trained. Division 5, Part 7, ensures that employees who work with volatile flammable liquids are outfitted with appropriate safety gear and clothing.

Local

2040 General Plan

The following goals and policies from the 2040 General Plan, would be applicable to the Project.

[102] San Mateo County Health. n.d. *Certified Unified Program Agency*. Available: https://www.smchealth.org/hazardous-materials-cupa. Accessed: May 11, 2020.

- **Goal CS-6:** Protect residents, workers, and visitors from hazardous materials through improved regulations, disposal practices, location and site design requirements, and public information and education.
- **CS-6.1: Hazardous Materials Storage and Disposal**. Require the proper storage and disposal of hazardous materials to prevent leakage, potential explosions, fire, or the release of harmful fumes. Coordinate with the Fire Department to identify and monitor pre-incident plans associated with hazardous materials storage and use.
- **S-6.2: Hazardous Materials Information.** Maintain information channels to the residential and business communities about the illegal nature and danger of dumping hazardous material and waste into the storm drain system or in creeks.
- **CS-6.3: Hazardous Waste Disposals**. Explore efficient, economical, and convenient ways to offer household hazardous waste collection for residents in partnership with the solid waste contractors and San Mateo County.
- **CS-6.4: Proximity of Residents to Hazardous Materials**. Assess future residents' exposure to hazardous materials when new residential development or sensitive populations are proposed within the Live/Work land use designation. Do not allow residential development or sensitive populations if such hazardous conditions cannot be mitigated to an acceptable level of risk.
- **Goal CS-8:** Minimize the community's exposure to aircraft safety hazards associated with San Francisco International Airport and Mills-Peninsula Medical Center.
- **CS-8.1: Land Use Safety Compatibility and Airspace Protection Criteria.** Consider all applicable federal statutes (including 49 U.S.C. 47107), federal regulations (including 14 Code of Federal Regulations 77 et seq.), the Federal Aviation Administration (FAA) Airport Compliance Manual, FAA Advisory Circulars, other forms of written guidance, and state law with respect to criteria related to land use safety and airspace protection when evaluating development applications within the Airport Influence Area of the San Francisco International Airport and Mills-Peninsula Medical Center helipad.
- **CS-8.2: Airport Land Use Compatibility Plan.** Require development projects within the Airport Influence Area designated in the Airport Land Use Compatibility Plan of the San Francisco International Airport to comply with all applicable federal statutes (including 49 U.S.C. 47107), federal regulations (including 14 Code of Federal Regulations 77 et seq.), the FAA's Airport Compliance Manual, FAA Advisory Circulars, other forms of written guidance, and state law with respect to criteria related to land use safety and airspace protection.
- **CS-8.3: Airport Land Use Compatibility Plan Land Use and Development Consistency.** Ensure that all future land use actions and/or associated development conforms to the relevant height, aircraft noise, and safety policies and compatibility criteria contained in the most recently adopted version of the Airport Land Use Compatibility.

City of Burlingame Stormwater Management and Discharge Control Ordinance

The City of Burlingame Stormwater Management and Discharge Control Ordinance (No. 1503 & No. 1896) establishes water pollution control and prevention requirements for construction and other activities. The Ordinance requires implementation of BMPs for water pollution prevention.[103] Construction activity that disturbs private land such as excavation for building construction, is subject to the City's Stormwater Construction Pollution Prevention Permit for construction activity. Under this ordinance the permittee is required to repair and maintain the stormwater protection measures placed under the permit. Failure to place or maintain the measures pertaining to the permit would result in the suspension of all work on site.[104]

4.3.9.3 Significance Criteria

CEQA Guidelines Appendix G includes a list of potentially significant project impacts. The Project would have a significant hazards and hazardous materials impact if it would:

- Create a significant hazard for the public or the environment through the routine transport, use, or disposal of hazardous materials.
- Create a significant hazard for the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- Emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school.
- Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard for the public or the environment.
- For a project within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area.
- Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.
- Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

[103] City of Burlingame Public Works Department. 2020. *Stormwater Construction Pollution Prevention Permit*. Updated May 6. (Application includes San Mateo Countywide Water Pollution Program *Construction Best Management Practices).* Available: https://www.burlingame.org/document_center/Public%20Works/Permits/Stormwater%20Construction%20Pollution%20Prevention%20Permit%20Application%20-%202019.12.10%20-%20Writeable.pdf. Accessed July 30. 2020.

[104] City of Burlingame Public Works Department. 2019. *Stormwater Pollution Prevention Permit Requirements, Permits* and *Procedures.* Updated December. Available: https://www.burlingame.org/document_center/Public%20Works/Permits/SCPPP_PermitPamphlet.pdf. Accessed July 30, 2020.

4.3.9.4 Approach to Analysis

Impacts related to hazards and hazardous materials were analyzed qualitatively, based on a review of completed the Phase I ESA, subsequent study area reports, and based on findings of the EDR report. The analysis focuses on the potential of the Project construction and operation to result in an impact to the public or environment by Project generated hazards and hazardous materials.

4.3.9.5 Impact Evaluation

Impact HAZ-1: The Project would not create a significant hazard for the public or the environment through the routine transport, use, or disposal of hazardous materials. (*Less than Significant*)

While groundwater was not detected in the initial soil borings, there is the potential for groundwater to be encountered during construction. Below-grade parking to be constructed as part of the Project would require excavations to a depth of at least 12 feet. Because of the depth of excavation, the site is expected to require dewatering prior to excavation. The State Water Board's NPDES permit requires discharges of groundwater associated with dewatering not to cause, have reasonable potential to cause, or contribute to an in-stream incursion that would exceed applicable state or federal water quality objectives/criteria or cause acute or chronic toxicity in the receiving water.

Project construction would involve the routine transport, use, and disposal of hazardous materials such as fuel, solvents, paints, oils, grease, and caulking. During Project operation, hazardous materials that are commonly found in residential spaces (e.g., paints, solvents, cleaning agents) would be stored and used onsite. Hazardous materials used during operations would be used in small quantities, and spills would be cleaned as they occur. The transport, use, and disposal of hazardous materials during construction would be required to comply with applicable regulations, as discussed under *Regulatory Framework.* These include the RCRA, DOT Hazardous Materials Regulations, and the local CUPA regulations. Although these materials would be transported, used, and disposed of during construction and operation, they are commonly used in construction projects and would not represent the transport, use, or disposal of acutely hazardous materials. The impact would be ***less than significant***.

Impact HAZ-2: The Project would not create a significant hazard for the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. (*Less than Significant*)

Hazardous materials, including fuel, solvents, paints, oils, grease, etc., would be transported, stored, used, and disposed of onsite during both Project construction and operation. It is possible that any of these substances could be released to the environment during transport, storage, use, or disposal. However, compliance with federal, state, and local regulations, in combination with temporary construction BMPs (as part of the Burlingame Stormwater Management and Discharge Control Ordinance) would ensure that all hazardous materials would be used, stored, and disposed of properly, which would minimize potential impacts related to a hazardous materials release during construction and operation of the Project.

As discussed under *Environmental Setting*, the 2001 Phase I ESA, the 2020 EDR update, the GeoTracker database, and the EnviroStor databases indicate that offsite properties are unlikely to affect implementation of the Project. This was determined by considering the site's location, environmental

history and status, and affected media. Based on the findings of previous investigations (as cited in the 2001 Phase I ESA) and because of the date the onsite structures were built, asbestos-containing materials and lead-based paint are very likely present. Demolition activities could release these hazardous materials into the environment and create exposure risks for construction personnel and the surrounding environment. The federal Toxic Substances Control Act (TSCA) of 1976 provides EPA with the authority to require reporting, record-keeping, testing, and restrictions related to chemical substances and/or mixtures. The TSCA addresses issues regarding the production, importation, use, and disposal of specific chemicals, including polychlorinated biphenyls, asbestos, radon, and lead-based paint. The DTSC considers asbestos a hazardous substance and requires removal. Asbestos-containing materials must be removed in accordance with local and state regulations as well as local air district, Cal/OSHA, and California Department of Health Services requirements. This includes materials that could be disturbed by demolition and construction activities. Local and state regulations require that asbestos-containing material and lead-based paint surveys be conducted prior to construction, to determine if these materials are present. If detected on the site, appropriate safety measures would be implemented for their removal, transport, and disposal.

Adherence to existing regulations (as mentioned above), as well as asbestos-containing material and lead-based paint surveys, would reduce the impact to ***less than significant*** by identifying and abating materials that contain asbestos or lead.

Impact HAZ-3: The Project would not emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school. (*Less than Significant*)

The Project site is within 0.25 mile of Mills High School and Spring Valley Elementary School. As discussed in Impact HAZ-1, the routine transport, use, storage, and disposal of hazardous materials such as fuel, solvents, paints, oils, grease, and caulking would occur during both construction and operation of the Project. Such transport, use, and disposal would comply with applicable regulations, such as the RCRA, DOT Hazardous Materials Regulations, and the local CUPA regulations. Although small amounts of hazardous materials would be transported, used, and disposed of during construction, these materials are commonly used in construction projects and would not represent the transport, use, and disposal of acutely hazardous materials.

Asbestos-containing materials and lead-based paint both likely occur at the Project site. Demolition could release these contaminants near a school. However, asbestos-containing material and lead-based paint surveys would be conducted, in compliance with existing regulations. If these materials are detected on the site, appropriate safety measures would be implemented for their removal, transport, and disposal. Therefore, compliance with existing regulations would ensure that the impact on schools within 0.25 mile of the Project site would be ***less than significant***.

Impact HAZ-4: The Project would not be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard for the public or the environment. (*No Impact*)

U.S.C. Section 65962.5 (commonly referred to as the Cortese List) includes DTSC-listed hazardous waste facilities and sites, California Department of Health Services–listed contaminated wells for drinking water, State Water Board–listed sites with LUSTs or discharges of hazardous wastes or materials into the water or groundwater, and lists from local regulatory agencies of sites with a known migration of hazardous waste/material. The Project would not be located on a site that is included on a list of hazardous materials sites compiled pursuant to U.S.C. Section 65962.5.

Therefore, the Project would not create a significant hazard to the public or the environment, and there would be ***no impact***.

Impact HAZ-5: The Project would be within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, but would not result in a safety hazard or excessive noise for people residing or working in the project area. (*Less than Significant*)

The Project site is within the Federal Aviation Regulation Part 77 sphere of influence and the boundary of the SFO ALUCP. Development on the Project site is limited to a height of 100 feet above mean sea level, according to the SFO ALUCP,[105] but may be further restricted after notification of and consultation with the FAA under CFR Part 77.9. The proposed structure would be below the established height limits and would not pose a safety hazard. Impacts would be ***less than significant.***

Impact HAZ-6: The Project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. (*Less than Significant*)

The Project would construct a new structure on previously developed land. Access points to the site would be provided to ensure proper access for emergency vehicles. Although the City does not have an established evacuation plan, the Project would adhere to the guidelines established by the Community Safety Element of the 2040 General Plan. Therefore, the Project would not conflict with an adopted emergency response or evacuation plan, and the impact would be ***less than significant***

Impact HAZ-7: The Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. (*Less than Significant*)

The Project site, which is in an urbanized setting, does not lie within a Very High FHSZ of either a State Responsibility Area (SRA) or Local Responsibility Area (LRA).[106] Wildfire is unlikely to occur at the Project site. However, there have been occurrences in which wildfire has spread from non-urban to urban areas (e.g., the Tubbs Fire of 2017, a wildfire that spread to urbanized areas in Napa, Sonoma, and Lake Counties). Accordingly, although it is unlikely that the Project would expose people or structures, either directly or indirectly, to significant risks involving wildland fires, there is a slight risk. The impact would be ***less than significant***.

[105] Ricondo & Associates, Jacobs Consultancy, and Clarion Associates. 2012. *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport*. November. Available: http://ccag.ca.gov/wp-content/uploads/2014/10/Consolidated_CCAG_ALUCP_November-20121.pdf. Accessed: July 31, 2020.

[106] California Department of Forestry and Fire Protection. 2008. *San Mateo County FHSZ Map: Local Responsibility Area*. Available: https://osfm.fire.ca.gov/media/6800/fhszl_map41.pdf. Accessed: July 31, 2020.

4.3.10 Hydrology and Water Quality

4.3.10.1 Environmental Setting

Watersheds and Groundwater

The Project site is within the Millbrae Creek watershed.[107] The Millbrae Creek watershed includes Millbrae Creek as well as underground storm drains and El Portal Canal, an engineered channel, which drains into San Francisco Bay. There are no surface waters at the Project site. The nearest surface water, El Portal Canal, is approximately 0.4 mile from the Project site.

During the geotechnical investigation, groundwater was not encountered at the three test borings, which ranged in depth from 11 to 14.5 feet bgs.[108] While it is possible for groundwater to persist below the site, actual groundwater levels fluctuate seasonally with variations in rainfall, temperature, and other factors.

The city of Burlingame is within the Westside Groundwater Basin, which is designated as a Very Low Priority Area, per the Sustainable Groundwater Management Act.[109, 110] The South Westside Basin Groundwater Management Plan[111] established a goal for the area that would ensure a sustainable, high-quality, reliable water supply at a fair price through local groundwater management for beneficial uses.[112] The City is part of the South Westside Basin Groundwater Management Plan, which is a voluntary groundwater management plan.

Water Supply

The City of Burlingame purchases all its potable water from the San Francisco Public Utilities Commission (SFPUC) Regional Water System (RWS). Approximately 85 percent of the SFPUC RWS water supply originates in the Hetch Hetchy watershed, located in Yosemite National Park, and flows down the Tuolumne River into Hetch Hetchy Reservoir.[113] The remaining 15 percent of the SFPUC RWS water supply originates locally in the Alameda and Peninsula watershed and is stored in six different reservoirs in Alameda and San Mateo Counties.[114]

[107] Oakland Museum of California. n.d. *Guide to San Francisco Bay Area Creeks, Millbrae Creek Watershed*. Available: http://explore.museumca.org/creeks/1570-RescMilbrae.html. Accessed: July 17, 2020.
[108] GeoForensics Inc. 2003. *Geotechnical Investigations for Proposed New Shear Walls at the Ogden Drive Property 1868-1870 Ogden Drive, Burlingame, CA*. April 2003. Prepared for Mr. T Erler and Mr. Kalinowski.
[109] California Department of Water Resources. 2020. *SGMA Data Viewer*. Available: https://sgma.water.ca.gov/webgis/?appid=SGMADataViewer#boundaries. Accessed: July 30, 2020.
[110] California Department of Water Resources. 2020. *Sustainable Groundwater Management Act, 2019 Basin Prioritization.* Published May. Available: https://water.ca.gov/Programs/Groundwater-Management/Basin-Prioritization. Accessed: July 30, 2020.
[111] WRIME. 2012. *South Westside Basin Groundwater Management Plan*. July. Available: https://sfwater.org/Modules/ShowDocument.aspx?documentid=3104. Accessed: May 18, 2020.
[112] Ibid.
[113] Erler & Kalinowski, Inc. 2016. *2015 Urban Water Management Plan for the City of Burlingame*. Available: https://www.burlingame.org/document_center/Water/2015%20Urban%20Water%20Management%20Plan.pdf. Accessed: July 17, 2020.
[114] Ibid.

Water Quality

The State Water Board and the Regional Water Board monitor water quality in the Bay Area. These agencies oversee implementation of NPDES stormwater discharge permits. The City of Burlingame participates in the San Mateo Countywide Pollution Prevention Program and is required to implement low-impact development (LID) BMPs under NPDES Permit No. CAS612008, Order No. Order R2-2009-0074, adopted October 14, 2009.[115] This NPDES permit is also known as the Municipal Regional Permit (MRP). Provision C.3, *New Development and Redevelopment* of the MRP is directly applicable to the Project. This provision allows permittees to include appropriate source control, site design, and stormwater treatment measures in new development as well as redevelopment projects to address both soluble and insoluble stormwater runoff pollutant discharges and prevent increases in runoff flows from both new development and redevelopment projects. This goal is to be accomplished primarily through implementation of LID techniques. LID practices include source-control BMPs, site design BMPs, and stormwater treatment BMPs onsite or at a joint stormwater treatment facility.

Flooding

The city of Burlingame borders the San Francisco Bay, with a coastline susceptible to flooding. The Project site is categorized by the Federal Emergency Management Agency (FEMA) as an area that of minimal flood hazard (Zone X).[116]

4.3.10.2 Regulatory Setting

This section summarizes the City's hydrology plans and policies, and regional, state, and federal agencies that have policy and regulatory control over the Project site.

Federal

Clean Water Act

The primary federal law governing water quality is the CWA of 1972**Error! Bookmark not defined.**. The CWA provides for the restoration and maintenance of the chemical, physical, and biological integrity of the nation's waters. The CWA also limits the amount of pollutants that may be discharged and requires wastewater to be treated with the best treatment technology economically achievable regardless of receiving water conditions. The control of pollutant discharge is established through NPDES**Error! Bookmark not defined.** permits that contain effluent limitations and standards. EPA**Error! Bookmark not defined.** has delegated responsibility for implementation of portions of the CWA, such as Sections 303, 401, and 402 (discussed in this section), to the State Water Board**Error! Bookmark not defined.**.

Clean Water Act Section 303(d) and Total Maximum Daily Loads

California adopts water quality standards to protect beneficial uses of waters of the state as required by Section 303(d) of the CWA and the Porter-Cologne Water Quality Control Act of 1969 (Porter-

[115] California Regional Water Quality Control Board. 2009 *San Francisco Bay Region Municipal Regional Stormwater NPDES Permit Order R2-2009-0074 NPDES Permit No. CAS612008.* October 14.
[116] Federal Emergency Management Agency. 2019. *Flood Insurance Rate Map, San Mateo County, California, and Incorporated Areas.* Panel 134 of 510. Map revised: April 5, 2019. Available: https://msc.fema.gov/portal/home. Accessed: July 30, 2020.

Cologne Act). Section 303(d) of the CWA established the total maximum daily load (TMDL) process to guide the application of state water quality standards. To identify candidate water bodies for TMDL analysis, a list of water quality–impaired segments is generated by the State Water Board. These stream or river segments are impaired by the presence of pollutants such as sediment and are more sensitive to disturbance because of this impairment. In addition to the impaired water body list required by CWA Section 303(d), CWA Section 305(b) requires states to develop a report assessing statewide surface water quality. Both CWA requirements are being addressed through the development of a 303(d)/305(b) Integrated Report, which addresses both an update to the 303(d) list and a 305(b) assessment of statewide water quality. The State Water Board developed a statewide 2012 California Integrated Report based on the Integrated Reports from each of the nine Regional Water Boards. The 2012 California Integrated Report was approved by the State Water Board on April 8, 2012 and approved by EPA on July 30, 2015.

Clean Water Act Section 402—National Pollutant Discharge Elimination System

The 1972 amendments to the Federal Water Pollutant Control Act established the NPDES permit program to control discharges of pollutants from point sources (Section 402). The 1987 amendments to the CWA created a new section of the CWA devoted to stormwater permitting (402[p]). EPA has granted the State of California (the State Water Board and Regional Water Boards) primacy in administering and enforcing the provisions of CWA and NPDES. NPDES is the primary federal program that regulates point-source and nonpoint-source discharges to waters of the United States. CWA Section 402 also includes waste discharge requirements**Error! Bookmark not defined.** for dewatering activities.

National Pollutant Discharge Elimination System Municipal Stormwater Permits

CWA Section 402 mandates programmatic permits for municipalities to address stormwater discharges, which are regulated under the NPDES General Permit for Municipal Separate Storm Sewer Systems (MS4s). Phase I MS4 regulations cover municipalities with populations greater than 100,000 and Phase II (Small MS4) regulations cover municipalities with populations smaller than 100,000. NPDES permits for regulated MS4s require permittees to develop stormwater management plans, which describe the stormwater control practices that will be implemented consistent with permit requirements to minimize the discharge of pollutants from the sewer system.

The State Water Board is advancing LID**Error! Bookmark not defined.** in California as a means of complying with municipal stormwater permits. LID incorporates site design, including the use of vegetated swales and retention basins and minimizing impermeable surfaces, to manage stormwater to maintain a site's predevelopment runoff rates and volumes.

National Flood Insurance Program

In response to increasing costs of disaster relief, Congress passed the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973. The intent of these acts was to reduce the need for large, publicly funded, flood-control structures and disaster relief by restricting development on floodplains. The National Flood Insurance Program (NFIP) was created as a result of the passage of the National Flood Insurance Act of 1968. The FEMA**Error! Bookmark not defined.** administers the NFIP to provide subsidized flood insurance to communities that comply with FEMA regulations by limiting development in floodplains. FEMA issues Flood Insurance Rate Maps (FIRM) for communities participating in the NFIP. These maps delineate flood hazard zones in

the community. A FIRM is the official map of a community prepared by FEMA to delineate both the special flood hazard areas and the flood risk premium zones applicable to the community.

State

Porter-Cologne Water Quality Control Act

The Porter-Cologne Act is the basic water quality control law for California. The Porter-Cologne Act authorizes the state to implement the provisions of the CWA and establishes a regulatory program to protect the water quality of the state and the beneficial uses of state waters. The act requires project proponents whose projects would result in discharging, or proposing to discharge, wastes that could affect the quality of the state's water to file a report of waste discharge with the appropriate Regional Water Board. The Porter-Cologne Act also requires that State Water Board or a Regional Water Board adopt basin plans for the protection of water quality. Basin plans are updated and reviewed every 3 years and provide the technical basis for determining waste discharge requirements, taking enforcement actions, and evaluating clean water grant proposals.

CEQA Court Rulings on "Reverse CEQA" and Sea Level Rise

The California Second District Court of Appeals has held that, although an EIR must analyze the environmental effects that may result from a project, an EIR is not required to examine the effects of the environment on a project (see *Ballona Wetlands Land Trust v. City of Los Angeles*, 201 Cal. App. 4th 455).

The California Supreme Court concluded in the *California Building Industry Association vs. Bay Area Air Quality Management District* (CBIA v. BAAQMD) decision, that "CEQA generally does not require an analysis of how existing environmental conditions will impact a project's future users or residents." The CBIA v. BAAQMD ruling provided for several exceptions to the general rule where an analysis of the project on the environment is warranted.

- If the project would exacerbate existing environmental hazards (such as exposing hazardous waste that is currently buried).
- If the project qualifies for certain specified exemptions (certain housing projects and transportation priority projects per California Public Resources Code Sections 21159.21 [f],[h]; 21159.22 [a],[b][3]; 21159.23 [a][2][A]; 21159.24 [a][1],[3]; or 21155.1 [a][4],[6]).
- If the project is exposed to potential noise and safety impacts on the project occupants due to proximity to an airport (per Public Resources Code Section 21096).
- School projects requiring specific assessment of certain environmental hazards (per Public Resources Code Section 21151.8).

Regional

Regional Water Quality Control Board Region 2

RWQCB Region 2 (San Francisco Bay Region) regulates stormwater quality under authorities of the CWA and California's Porter-Cologne Water Quality Control Act. As identified above, the RWQCB issues NPDES permits to dischargers of municipal and industrial stormwater runoff and operators of large construction sites. In coordination with permittees of the San Francisco Bay Municipal Regional Stormwater Permit, including Burlingame, RWQCB staff performs an annual

performance review and evaluation of the County's stormwater management program and NPDES compliance activities. The San Francisco Bay Regional Water Board also protects groundwater through implementation of its regulatory and planning programs.

San Francisco Bay Region NPDES Municipal Regional Stormwater Permit

Adopted in October 2009 and revised in November 2011, the San Francisco Bay MRP issues the Waste Discharge Requirements and NPDES Permit for the discharge of stormwater runoff from the municipal separate storm sewer systems of over 70 municipalities and local agencies in five Bay Area counties, including the city of Burlingame. The MRP replaces the former county-by-county permits, including the former San Mateo Countywide Municipal Stormwater Permit, which once fulfilled this role. Based on monitoring previously conducted by the Clean Water Program and in other counties, the MRP identifies key Pollutants of Concern in urban runoff from Bay Area municipalities. Monitoring required by the MRP also includes assessment of human impacts on habitats in or adjacent to creeks. In the past, the San Mateo County Water Pollution Program (2015) has done this type of assessment in Mills Creek. Future regulatory changes are expected regarding this topic, but at present the MRP has no explicit controls beyond the hydromodification management provisions, which include onsite and regional control design criteria, reasonable costs and practicability, record keeping, hydromodification control areas, and potential exceptions to map designations.

Local

City of Burlingame Stormwater Management and Discharge Control Ordinance

The City of Burlingame Stormwater Management and Discharge Control Ordinance (No. 1503 and No. 1896) establishes water pollution control and prevention requirements for construction and other activities. The Ordinance requires implementation of BMPs for water pollution prevention.[117] Construction activity that disturbs private land such as excavation for building construction, is subject to the City's Stormwater Construction Pollution Prevention Permit for construction activity. Under this ordinance the permittee is required to repair and maintain the stormwater protection measures placed under the permit. Failure to place or maintain the measures pertaining to the permit would result in the suspension of all work on site.[118]

2040 General Plan

The following goals and policies from the 2040 General Plan, would be applicable to the Project.

- **IF-2.13: Bay-Friendly Landscaping.** Promote landscaping approaches that include native and climate appropriate plants, sustainable design and maintenance, water-efficient irrigation systems, and yard clipping reduction practices. Provide guidance to the community regarding preferred landscaping and irrigation practices.

[117] City of Burlingame Public Works Department. 2020. *Stormwater Construction Pollution Prevention Permit*. Updated May 6. (Application includes San Mateo Countywide Water Pollution Program *Construction Best Management Practices).* Available: https://www.burlingame.org/document_center/Public%20Works/Permits/Stormwater%20Construction%20Pollution%20Prevention%20Permit%20Application%20-%202019.12.10%20-%20Writeable.pdf. Accessed July 30. 2020.

[118] City of Burlingame Public Works Department. 2019. *Stormwater Pollution Prevention Permit Requirements, Permits* and *Procedures.* Updated December. Available: https://www.burlingame.org/document_center/Public%20Works/Permits/SCPPP_PermitPamphlet.pdf. Accessed July 30, 2020.

- **Goal IF-4:** Protect people and property from the adverse effects of flooding through a stormwater system that adequately moves runoff from existing and future development, prevents property damage due to flooding, and improves environmental quality.
- **IF-4.5: Improvement to Public Spaces.** Design smart improvements to public spaces—including streets, parks, and plazas for stormwater retention and groundwater infiltration—by diverting urban runoff to bioretention systems and implementing LID techniques. Integrate green infrastructure that restores a natural hydrologic system such as trees, rain gardens, and vegetated swales into the urban environment. Encourage stormwater facilities that are designed to be a functional and attractive element of public spaces.
- **IF-4.6: Grading Projects.** Impose appropriate conditions on grading projects performed during the rainy season to ensure that silt is not conveyed to storm drainage systems.
- I**F-4.7: Diversion.** Require new development to be designed to prevent the diversion of stormwater onto neighboring parcels.
- **IF-4.8: Rainwater Harvesting.** Encourage the use of rainwater harvesting facilities, techniques, and improvements where appropriate, cost effective, safe, and environmentally sustainable as a way to reduce urban runoff and stormwater flows into the storm drain system.
- **IF-4.9: Pollution Prevention.** Prevent pollutants from entering the storm drain system by managing point and non-point pollution sources through public and private facilities, local regulations, and education.

4.3.10.3 Significance Criteria

CEQA Guidelines Appendix G includes a list of potentially significant project impacts. The proposed project would have a significant hydrology impact if it would:

- Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface water or groundwater quality.
- Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project would impede sustainable groundwater management of the basin.
- Substantially alter the existing drainage pattern of the site or area, including through alteration of the course of a stream or river or the addition of impervious surfaces, in a manner that would:
    - Result in substantial erosion or siltation onsite or offsite.
    - Substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite.
    - Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.
    - Impede or redirect floodflows.
- In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation.
- Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

4.3.10.4 Approach to Analysis

Potential impacts related to hydrology and water quality were evaluated based on a review of available information regarding watersheds, surface waters, groundwater, flooding hazards, and stormwater control and treatment requirements within the city of Burlingame. This includes city of Burlingame maps and guidance material, FEMA maps, and the Project-specific geotechnical report.

4.3.10.5 Impact Evaluation

Impact HY-1: The Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface water or groundwater quality. (*Less than Significant*)

Construction of the Project would involve ground-disturbing activities, such as excavation, that could require dewatering. Construction activities have the potential to result in runoff that contains sediment and other pollutants, which could degrade water quality if not properly controlled. Sources of pollution associated with construction include chemical substances from construction materials as well as hazardous or toxic materials, such as fuels. As described in Impact HAZ-1, the Project would be subject to state and federal hazardous materials laws and regulations, which would minimize the risk of affecting the quality of surface water and groundwater.

Under the Burlingame Stormwater Management and Discharge Control Ordinance (No. 1503 and No. 1896) construction activity for projects greater than 10,000 square feet is subject to the Stormwater Construction Pollution Prevention Permit overseen by the City of Burlingame Public Works Department. The purpose of the Stormwater Construction Pollution Prevention Permit is to identify potential sources of sediment and other pollutants and prescribe BMPs to ensure that potential adverse erosion, siltation, and contamination impacts do not occur during construction activities. Implementation of the permit with BMPs would control erosion and protect water quality from potential contaminants in stormwater runoff emanating from the construction site. BMPs may include damp street sweeping; appropriate covers, drains, and storage precautions for outdoor material storage areas; temporary cover for disturbed surfaces; and sediment basins or traps, earthen dikes or berms, silt fences, check dams, soil blankets or mats, covers for stock piles, or other BMPs to trap sediments. Such BMPs would help to protect surface water and groundwater quality. Implementation of these BMPs would ensure that construction impacts on water quality would be ***less than significant***.

During operation, pollutants in stormwater runoff from urban development have the potential to violate water quality standards if the type and amount of pollutants are not adequately reduced. Stormwater runoff from the Project would be regulated under the MRP. The applicant would be required to submit to the City the San Mateo Countywide Pollution Prevention checklist to show compliance with NPDES regional permit requirements. BMPs included in site designs and plans for the Project would be reviewed by the City's engineering staff to ensure appropriateness and adequate design capacity prior to permit issuance. The San Francisco Bay RWQCB has incorporated requirements in the MRP to protect water quality and approved the San Mateo Countywide Pollution Prevention and complies with the NPDES Municipal Stormwater Permit. The City review and permitting process would ensure that the permit's waste discharge requirements would not be violated by the Project. For these reasons, the Project would not violate water quality standards or waste discharge requirements during operation, including standards and requirements regarding surface water and groundwater quality. Operational impacts on water quality would be ***less than significant***.

Impact HY-2: The Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project would impede sustainable groundwater management of the basin. (*Less than Significant*)

Per the Sustainable Groundwater Management Act, all of California's 515 groundwater basins are classified into one of four categories: High, Medium, Low, or Very Low Priority. The Project site is within the Westside Groundwater Basin, which is classified as Very Low Priority. Groundwater is not a supply or recharge source; the City of Burlingame's sole source of potable water is the SFPUC RWS, which obtains approximately 85 percent of its water supply from Hetch Hetchy Reservoir. Nonetheless, the City is part of the South Westside Basin Groundwater Management Plan, a voluntary groundwater management plan.

While groundwater was not encountered at the three soil boring tests between 11 and 14.5 feet bgs, excavation is expected to extend to at least 12 feet bgs for the basement level parking garage; therefore, it is assumed groundwater could be encountered, requiring dewatering at the site. Although dewatering could be required, it would represent a short-term, less-than-significant impact because groundwater is not a supply or recharge source. Furthermore, dewatering would not have a substantial adverse effect on surface water/groundwater interactions. Dewatering would not adversely affect groundwater supplies because the City's sole source of potable water is the SFPUC RWS. The Project would, therefore, not substantially decrease groundwater supplies and would not impede sustainable groundwater management of this "Very Low Priority" groundwater basin. Therefore, the Project's impact would be ***less than significant***.

Impact HY-3: The Project would not substantially alter the existing drainage pattern of the site or area, including through alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would:

a. Result in substantial erosion or siltation onsite or offsite; (*Less than Significant*)

The nearest surface water to the Project site is El Portal Canal, a concrete channel, approximately 0.4 mile from the Project site. Due to the canals' distance from the site, construction of the Project would not directly alter drainage patterns of surface waters.

The Project site is currently covered with 34,240 square feet of impervious surfaces. The Project would decrease the area of impervious surfaces by 5,007 square feet, to 29,233 square feet. Thus, the Project is expected to generate a reduced amount of stormwater discharged from the site than is currently discharged. Under existing conditions, stormwater from the Project site is conveyed to existing stormwater drains and inlets. Stormwater gravity mains and stormwater inlets are located north and south of the Project site along Murchison Drive and Trousdale Drive, respectively.[119] Implementation of the Project would alter existing drainage patterns on the site with construction of a new building. Future stormwater would be treated onsite, through the Project implementation of bio-retention flow through planters and pervious areas. The bio-retention flow through planters would primarily be located on the second-floor podium. The water that flows through these planters would be directed to the ground floor via new storm drain lines. The ground floor would also include a bio-retention flow through planters, as well as pervious areas. The treated stormwater would then be directed to new sidewalk underdrains on Ogden Drive through new storm drain lines, which would connect to the City of Burlingame's storm drain system. In addition to Project features,

[119] City of Burlingame. 2020. *Municipal Separate Storm Sewer System*. Available: http://bgmaps.maps.arcgis.com/apps/webappviewer/index.html?id=8f4f7accd3054ba5a4fde951fc45b601. Accessed: July 30, 2020.

the Project would implement BMPs to treat stormwater runoff during construction. Therefore, changes to drainage patterns due to the Project would not result in substantial erosion or siltation onsite or offsite. This impact would be ***less than significant***.

b. Substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite; (*Less than Significant*)

As described above in Impact HY-3.a, the Project would not directly alter the drainage patterns of surface waters. While the Project would remove an existing building and landscaped areas and replace them with a new building and new landscaped areas, the Project would overall reduce the area of impervious surfaces by 5,007 square feet. In addition, the Project would include bio-retention flow features and comply with BMPs to treat stormwater runoff. Overall, the amount of stormwater that would be discharged with implementation of the Project would be less than what is currently discharged. Therefore, changes to drainage patterns due to the Project would not substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite. This impact would be ***less than significant***

c. Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; (*Less than Significant*) or

As stated previously in Impact HY-3.a, the amount of stormwater that would be discharged with implementation of the Project would be less than what is currently discharged. Furthermore, as stated previously in Impact HY-1, the Project would be required to adhere to the City's Stormwater Construction Pollution Prevention Permit, which requires implementation of BMPs during construction to protect water quality from contaminants in stormwater runoff from the Project site. The Project would also be subject to the requirements of Provision C.3 of the MRP and would thus not generate a new significant source of polluted runoff. Through compliance with state and local regulations, as well as implementation of BMPs, impacts related to surface runoff, including possible additional sources of polluted runoff, would be ***less than significant.***

d. Impede or redirect floodflows. (*No Impact*)

During construction, the drainage pattern of the site or area may be temporarily altered. However, construction equipment would be placed around the site so that construction impacts associated with impeding or redirecting floodflows would be minimized. In addition, the Project would include stormwater planters and pervious areas. Overall, the amount of stormwater that would be discharged with implementation of the Project would be similar to what is currently discharged. The Project would include stormwater treatment controls, in compliance with the requirements of Provision C.3 of the MRP. The Project would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems, provide substantial additional sources of polluted runoff, or impede or redirect floodflows. Therefore, there would be ***no impact***.

Impact HY-4: The project would not be located in a flood hazard, tsunami, or seiche zones, and risk release of pollutants due to project inundation. (*Less than Significant*)

The Project site is not subject to flooding from tsunami or seiche or risks from mudflows or landslides. The Project site is not within a tsunami inundation zone.[120] Conditions with the Project

[120] California Emergency Management Agency. 2009. *Tsunami Inundation Map for Emergency Planning, State of California – County of San Mateo.* June 15, 2009. Available: https://www.conservation.ca.gov/cgs/Documents/Publications/Tsunami-Maps/Tsunami_Inundation_SanMateo_Quad_SanMateo.pdf. Accessed: July 30, 2020.

would be similar to existing conditions and would not increase the potential for site inundation. Seiche can occur in an enclosed or partially enclosed body of water, such as a lake or reservoir. There are no large bodies of fresh water, such as reservoirs or lakes, in the Project vicinity. Although San Francisco Bay is a large and open body of water, there is no immediate risk of seiche. Large waves, both sea and swell, generated in the Pacific Ocean undergo considerable refraction and diffraction upon passing through the Golden Gate, resulting in greatly reduced heights by the time they reach the Project site. Therefore, there is no risk of seiche that would affect the Project site. To reduce the risk of a pollutant release associated with a flood hazard, the Project would comply with the requirements of local water quality programs and associated municipal stormwater NPDES permits, as well as municipal storm sewer system and MRP permits to manage flood risks and water quality. Conformance to these requirements would ensure that any risk of a release of pollutants due to inundation in a flood hazard, tsunami, or seiche zone would be minimized. The Project site would not release pollutants due to inundation by flood hazard, tsunami, or seiche. The impact would be ***less than significant***.

Impact HY-5: The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. (*Less than Significant*)

Project implementation would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. The applicant would comply with the appropriate water quality objectives for the region, including the MRP. The City's review and permitting process would ensure that the permit's waste discharge requirements would not be violated by the Project. As part of compliance with permit requirements during ground-disturbing activities or construction, water quality control measures and BMPs would be implemented to ensure that water quality standards would be achieved, including water quality objectives that protect designated beneficial uses of surface water and groundwater, as defined in San Francisco Bay Basin (Region 2) Water Quality Control Plan.[121]

As described in Impact HY-2, the City of Burlingame is part of the South Westside Basin Groundwater Management Plan, which is a voluntary groundwater management plan. The Project would not conflict with implementation of this plan because the Project would not conflict with the plan's goal of ensuring a sustainable, high-quality, reliable water supply. Therefore, the Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan, and the impact would be ***less than significant***.

4.3.11 Land Use

4.3.11.1 Environmental Setting

The Project site is within the Burlingame city limits and governed by the 2040 General Plan as well as the Municipal Code. Burlingame is divided into a series of planning areas with a variety of land uses, including commercial, office, cultural, civic, and quasi-civic uses. Land uses in the vicinity of the Project site include commercial/office, institutional, and residential uses.

Currently, the Project site is developed with a two-story, mixed use building (approximately 23,000 gross square feet). Minimal landscape vegetation exists at the site, mainly in areas adjacent to

[121] San Francisco Regional Water Quality Control Board. 2017. *San Francisco Bay Basin (Region 2) Water Quality Control Plan.* May 4, 2017. Available: https://www.waterboards.ca.gov/sanfranciscobay/basin_planning.html. Accessed: June 1, 2020.

El Camino Real and in front of the entrance to the building. The site also includes a surface parking lot with approximately 107 parking spaces. Access to the site is currently provided from driveways on El Camino Real, Trousdale Drive, and California Drive.

The City adopted the 2040 General Plan in 2019 to accommodate planned housing and employment growth through 2040. The Project site is within the NBMU land use designation. According to the 2040 General Plan, the NBMU land use designation creates a high-intensity development node within walking distance of the Millbrae Multimodal Transit Center. High-density residential is a permitted use within the NBMU land use designation.[122]

The City Municipal Code was updated to include a new zoning designation, NBMU, which implements the 2040 General Plan NBMU designation (see Chapter 25.40). The Project site is within the NBMU zoning designation. The NBMU zone is a transit-oriented development district that accommodates housing at progressively higher densities based on the level of community benefits provided, with the goal of ensuring that new development adds value for all in the city. Development projects within this zone must fulfill specific interim standards, which were recently formally adopted as permanent zoning regulations.[123] Development projects may be categorized as any one of three tiers, ranging from Base Standard Intensity (Tier 1) to Maximum Intensity (Tier 3).

The Project is proposed as a Tier 3 project. Tier 3 projects within this zone may reach a maximum of seven stories, or 75 feet, and fulfill specific open space and development standard thresholds as well as community benefit objectives. Within this area, developments must be set back a minimum of 10 feet from the curb along the front (Ogden Drive), 15 feet from the sides, and 15 feet from the rear. In addition, developments are subject to streetscape frontage standards, which requires that at least 40 percent of the structure be located at the streetscape frontage line.

4.3.11.2 Regulatory Setting

This section summarizes the City's land use plans and policies that have regulatory control over the Project site. There are no federal, state, or regional regulations related to land use for the Project site.

Local

City of Burlingame Zoning and Subdivision Ordinances

The Burlingame Zoning and Subdivision Ordinances (Municipal Code Titles 25 and 26, respectively) are the primary tools used to regulate development. They establish how properties can be used, developed, and subdivided, and they set forth permitting processes for discretionary project review. The Zoning Ordinance divides the city into zoning districts that roughly correlate to the 2040 General Plan land use categories.

2040 General Plan

The 2040 General Plan includes various goals, policies, and guidelines pertaining to growth, development, design standards, and roadways and infrastructure in Burlingame. In addition to the

[122] City of Burlingame. 2019. *Envision Burlingame Draft General Plan.* City Council Hearing Draft. Available: https://www.burlingame.org/departments/planning/general_plan_update.php. Accessed: February 10, 2020.
[123] City of Burlingame. 2019. *North Burlingame Mixed Use Zone – Interim Standards*. Available: https://www.burlingame.org/document_center/Planning/North%20Burlingame%20MU%20Zone_Adopted_01-07-19.pdf. Accessed: February 10, 2020.

existing land use designation, as outlined in the 2040 General Plan, numerous policies have been adopted for the purpose of reducing environmental impacts. In particular, the following goals and policies would apply to the Project:

- **Goal CC-1**: Incorporate sustainable practices in all development.
- **CC-1.2**: **Mixed-Use, Transit-Oriented Infill Development.** Promote higher-density infill development with a mix of uses on underutilized parcels, particularly near transit stations and stops.
- **CC-1.5**: **Transportation Demand Management.** Require that all major development projects include a TDM program, as defined in the City's TDM regulations, to reduce single-occupancy car trips. "Major development" shall be defined in the TDM regulations by square footage for commercial development or a minimum number of units for residential development.
- **CC-1.6: Water Conservation.** Promote water conservation by encouraging and incentivizing property owners to incorporate drought-tolerant landscaping, "smart" irrigation systems, water-efficient appliances, and recycled water systems. Continue to enforce the water-efficiency landscaping ordinance. Encourage recycling and reuse of graywater in new buildings.
- **Goal CC-2**: Ensure that public and private trees are beautiful, healthy, and safe and that they remain an integral feature of the community.
- **CC-2.2**: **Increase the Public Street Tree Population.** Identify ways to increase the overall population of street trees in Burlingame to stem the natural decline of the urban forest and create a more equitable distribution of the tree canopy.
- **Goal CC-4**: Ensure high-quality, integrated, and appropriately scaled residential development within Burlingame's neighborhoods.
- **CC-4.3**: **Mass and Scale**. Ensure that the scale and interrelationships of new and old residential development complement each other.
- **Goal CC-11**: Establish a high-intensity, mixed-use development node at the north end of El Camino Real to take advantage of the proximity to the Millbrae Multimodal Transit Center and SamTrans commuter routes.
- **CC-11.1**: **Mix of Uses and Activities.** Promote a mix of residential and commercial uses, including a range of housing types and a mix of office, service, and retail uses that serve residents and complement the adjacent medical center.
- **CC-11.2: Transit-Oriented Development.** Allow and encourage higher-density, transit-oriented development along El Camino Real and Trousdale Drive to provide housing, employment, and retail opportunities that are easily accessible from the Millbrae Multimodal Transit Center and SamTrans commuter routes.
- **CC-11.3: Housing.** Encourage and support the development of new housing in North Burlingame. Ensure that new residential development provides a range of housing types for different income levels and includes provisions for affordable housing.
- **M-6.1: Transit-Supportive Land Use.** Plan for and accommodate land uses that facilitate the development of compact, mixed-use development with the density, diversity of use, and local accessibility needed to support transit use.

- **M-6.2: Mixed Use Areas.** Promote residential, employment, recreational, and commercial uses within designated mixed-use areas to reduce walking distances between destinations and create an active street environment throughout the day.
- **M-7.5: Creative Parking Approaches.** Promote and support creative approaches to parking, including, but not limited to, the use of parking lifts and shared parking, particularly in mixed-use and retail areas. In downtown and within the Live/Work designation, consider "unbundling" parking from residential development projects, whereby parking is provided as an amenity that is paid for separately from a lease.
- **HP-1.3: Recreation, Parks, and Open Spaces.** Provide convenient access to a variety of recreational opportunities, parks, and open spaces for all community members.
- **Goal HP-4:** Provide a diversity of City-owned parks, recreation facilities, natural open spaces, and public gathering places citywide and ensure that every Burlingame resident lives within 0.5 mile of such resources.
- **HP-4.4: Potential New Open Spaces.** In concert with development proposals in the North Burlingame and North Rollins Road Districts, require plans for publicly accessible plazas and open spaces. Develop guidelines so that these spaces fit within the overall parks and recreation system in Burlingame.

4.3.11.3 Significance Criteria

CEQA Guidelines Appendix G includes a list of potentially significant project impacts. The proposed project would have a significant land use impact if it would:

- Physically divide an established community.
- Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

4.3.11.4 Approach to Analysis

Impacts to land use were evaluation based on a consistency analysis between Project features and local land use plans, policies, and regulations.

4.3.11.5 Impact Evaluation

Impact LU-1: The Project would not physically divide an established community. (*Less than Significant*)

The Project would redevelop the site's existing two-story, office building with residential units and below-ground parking. The Project site is surrounded by office buildings and supporting parking lots to its north and east. There is a residential apartment building located south and adjacent of the Project site and other residential apartment buildings are located across Ogden Drive, west of the Project site. Figure 3-1 in Chapter 3*, Project Description,* depicts the location of the Project site. The Project would not limit access to existing streets or bicycle/pedestrian pathways within the Project site or the surrounding community, including the residential uses. Furthermore, the Project would not create new streets; rather, it would create new pedestrian pathways within the Project site that would ultimately improve pedestrian circulation throughout the site and in surrounding

areas. Therefore, implementation of the Project would not result in physical division of an established community and the impact would be ***less than significant***.

Impact LU-2: The Project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. (*Less than Significant*)

The Project site is within the incorporated limits of the city of Burlingame. The site is comprised of one parcel (1868 and 1870 Ogden Drive) totaling 0.89 acre. The parcel is entirely surrounded by developed properties with urban land uses, with office buildings and supporting parking lots to the north and east, a two-story residential apartment building to the south, and other residential apartment buildings are located across Ogden Drive to the west.

According to the 2040 General Plan, the Project site has an NBMU land use designation, which is intended to promote high intensity development within walking distance of the Millbrae Multimodal Transit Center. Under this designation, development may occur as mixed-use projects or single-purpose buildings, provided the area, as a whole, includes a mix of uses. The Project site is also within the NBMU Zone. The purpose of the NBMU Zone is to implement the 2040 General Plan NBMU land use designation. NBMU standards encourages progressively higher density housing based on the level of community benefits provided, and within close proximity to the multimodal transit center. Because the Project is a residential development, it is consistent with the designated land use and zoning. In addition, the NBMU zone has additional development standards, ranging from Tier 1 (Base Standard intensity) to Tier 3 (Maximum Intensity). The Project is proposed as a Tier 3 (Maximum Intensity) project.

NBMU Zoning includes the following standards:

- Maximum intensity of 140 dwelling units per acre
- Maximum height of seven stories (75 feet)
- Setback requirements
- Maximum lot coverage of 80 percent
- Minimum open space of 100 square feet per housing unit (12,000 square feet for 120 units)
- Minimum of 10 percent landscape coverage

The Project would have a density of 133 density units per acre, a maximum height of seven stories (75 feet),[124] adequate setbacks, a lot coverage of 71.3 percent, approximately 14,918 square feet of common and private open space, and approximately 14.0 percent landscape coverage. The Project also proposes 150 parking spaces, meeting the required 148 spaces based on the unit-size breakdown. Thus, the Project would fulfill these NBMU zoning standards. Given these facts, the Project is consistent with the 2040 General Plan and applicable zoning regulations for the site.

In general, the Project would be consistent with 2040 General Plan goals and policies identified above. However, it should be noted that the ultimate determination regarding 2040 General Plan consistency will be made by the Planning Commission. In addition, the ultimate findings regarding 2040 General Plan consistency do not require the Project to be entirely consistent with each individual goal and policy. A project can be generally consistent with a general plan, even though the

[124] Measured to the top of the parapet. The height of the top of the elevator penthouse is 76-feet.

project may not promote every applicable goal and policy. The Project would be generally consistent with the 2040 General Plan goals and policies, resulting in an impact that would be ***less than significant***.

The ALUCP identified policies for projects within the airport influence area. Because of the Project's location in an airport influence area, this Project would require review and approval from the Airport Land Use Commission (ALUC) which is managed by C/CAG in San Mateo County. The NBMU zoning regulation was reviewed by the ALUC on September 24, 2020, and recommended for approval to C/CAG, who adopted and approved the NBMU zoning regulation on October 15, 2020. This zoning approval included specific conditions for a project located in the SFO sphere of influence, which will be incorporated as conditions of approval for the Project entitlements. Since the Project is consistent with the NBMU zoning, which has been approved by the ALUC and C/CAG, the Project would be consistent with the ALUCP, resulting in an impact that would be ***less than significant***.

4.3.12 Mineral Resources

4.3.12.1 Environmental Setting

Under the Surface Mining Control and Reclamation Act, the California Geological Survey is responsible for classifying land as a Mineral Resource Zone (MRZ), based on the known or inferred mineral resource potential of that land. According to available data, the Project site and the area surrounding the Project site have been classified as MRZ-1.[125] The California Department of Conservation, Division of Mines and Geology, defines MRZ-1 as follows:

> **MRZ-1:** Areas where adequate geologic information indicates that no significant mineral deposits are present or where it is judged that little likelihood exists for their presence. This zone is applied where well-developed lines of reasoning, based on economic geologic principles and adequate data, indicate that the likelihood for occurrence of significant mineral deposits is nil or slight.[126]

4.3.12.2 Regulatory Setting

There are no federal, state, or local laws, regulations, plans or policies related to mineral resources with respect to implementation of the Project.

4.3.12.3 Significance Criteria

CEQA Guidelines Appendix G includes a list of potentially significant impacts. The Project would have a significant impact on mineral resources if it resulted in either of the following:

- The loss of availability of a known mineral resource that would be of value to the region and the residents of the state.
- The loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.

[125] California Department of Conservation. 1996. *Update of Mineral Land Classification: Aggregate Materials in the South San Francisco Bay Production-Consumption Region*. California Department of Conservation, Division of Mines and Geology, Sacramento, CA. Available: ftp://ftp.consrv.ca.gov/pub/dmg/pubs/ofr/OFR_96-03/ Accessed: July 27, 2020.

[126] California Department of Conservation. 2000. *Guidelines for Classification and Designation of Mineral Lands.* Available: https://www.conservation.ca.gov/smgb/Guidelines/Documents/ClassDesig.pdf. Accessed: July 27, 2020.

4.3.12.4 Approach to Analysis

Evaluation of the Project is based on a review of the California Department of Conservation, Division of Mines and Geology, Mineral Lands Classification System, in accordance with the Surface Mining and Reclamation Act of 1975.[127]

4.3.12.5 Impact Evaluation

Impact MIN-1: The Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. (*No Impact*)

Since the Project site is identified as MRZ-1, it is not underlain by any known significant mineral deposits. In addition, the area surrounding the Project site is not known to support significant mineral resources of any type, and no mineral resources are currently being extracted in the city. The list of mines from the Office of Mine Reclamation (the AB 3098 List), which lists mines that are regulated under the Surface Mining and Reclamation Act, does not include any mines that are within the city.[128] Therefore, the Project would not result in the loss of availability of such resources, and there would be ***no impact***.

Impact MIN-2: The Project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. (*No Impact*)

The Project site is developed and not used for mineral recovery. Moreover, no known mineral resources, including locally important mineral resources, are known to exist within the Project site or the surrounding area. Therefore, the Project would not result in the loss of availability of such resources, and there would be ***no impact.***

4.3.13 Noise

4.3.13.1 Overview of Noise and Sound

Noise is commonly defined as unwanted sound that annoys or disturbs people and potentially causes an adverse psychological or physiological effect on human health. Because noise is an environmental pollutant that can interfere with human activities, an evaluation of noise is necessary when considering the environmental impacts of a project.

Sound is characterized by various parameters, including the rate of oscillation of sound waves (frequency), the speed of propagation, and the pressure level or energy content (amplitude). In particular, the sound pressure level is the most common descriptor used to characterize the loudness of an ambient (existing) sound level. Although the decibel scale, a logarithmic scale, is used to quantify sound intensity, it does not accurately describe how sound intensity is perceived by human hearing. The human ear is not equally sensitive to all frequencies in the entire spectrum;

[127] California Department of Conservation. 2015. *Surface Mining and Reclamation Act (SMARA) Mineral Lands Classification (MLC) Data Portal Website.* Available: https://maps.conservation.ca.gov/cgs/informationwarehouse/mlc/. Accessed: July 27, 2020.

[128] California Department of Conservation. 2020. *AB 3098 List*. Available: https://www.conservation.ca.gov/dmr/smara-mines. Accessed: July 27, 2020.

therefore, noise measurements are weighted more heavily toward frequencies to which humans are sensitive through a process referred to as A-weighting.

Human sound perception, in general, is such that a change in sound level of 1 decibel (dB) cannot typically be perceived by the human ear, a change in sound level of 3 dB is just noticeable, a change of 5 dB is clearly noticeable, and a change of 10 dB is perceived as doubling or halving the sound level. A doubling of actual sound energy is required to result in a 3 dB (i.e., barely noticeable) increase in noise; in practice, for example, this means that the volume of traffic on a roadway would typically need to double to result in a noticeable increase in noise.[129]

The decibel level of a sound decreases (or attenuates) exponentially as the distance from the source of that sound increases. For a point source, such as a stationary compressor or construction equipment, sound attenuates at a rate of 6 dB per doubling of distance. For a line source, such as free-flowing traffic on a freeway, sound attenuates at a rate of 3 dB per doubling of distance. Atmospheric conditions, including wind, temperature gradients, and humidity, can change how sound propagates over distance and affect the level of sound received at a given location. The degree to which the ground surface absorbs acoustical energy also affects sound propagation. Sound that travels over an acoustically absorptive surface, such as grass, attenuates at a greater rate than sound that travels over a hard surface, such as pavement. The increased attenuation is typically in the range of 1 to 2 dB per doubling of distance. Barriers, such as buildings and topography that block the line of sight between a source and receiver, also increase the attenuation of sound over distance.

In urban environments, simultaneous noise from multiple sources may occur. Because sound pressure levels, in decibels, are based on a logarithmic scale, they cannot be added or subtracted in the usual arithmetical way. Adding a new noise source to an existing noise source, with both producing noise at the same level, will not double the noise level. If the difference between two noise sources is 10 A-weighted decibels (dBA)**Error! Bookmark not defined.** or more, the higher noise source will dominate, and the resultant noise level will be equal to the noise level of the higher noise source. In general, if the difference between two noise sources is 0 to 1 dBA, the resultant noise level will be 3 dBA higher than the higher noise source, or both sources if the sources are equal. If the difference between two noise sources is 2 to 3 dBA, the resultant noise level will be 2 dBA above the higher noise source. If the difference between two noise sources is 4 to 10 dBA, the resultant noise level will be 1 dBA higher than the higher noise source.

Community noise environments are generally perceived as quiet when the 24-hour average noise level is below 45 dBA, moderate in the 45 to 60 dBA range, and loud above 60 dBA. Very noisy urban residential areas are usually around 70 dBA, community noise equivalent level (CNEL). Along major thoroughfares, roadside noise levels are typically between 65 and 75 dBA CNEL. Incremental increases of 3 to 5 dB to the existing 1-hour equivalent sound level (L_{eq}), or to the CNEL, are common thresholds for an adverse community reaction to a noise increase. However, there is evidence that incremental thresholds in this range may not be adequately protective in areas where noise-sensitive uses are located and the CNEL is already high (i.e., above 60 dBA). In these areas, limiting noise increases to 3 dB or less is recommended.[130] Noise intrusions that cause short-term interior levels to rise above 45 dBA at night can disrupt sleep. Exposure to noise levels greater than 85 dBA for 8 hours or longer can cause permanent hearing damage.

[129]California Department of Transportation. 2013. *Technical Noise Supplement to the Traffic Noise Analysis Protocol*. September. Available: http://www.dot.ca.gov/hq/env/noise/pub/TeNS_Sept_2013A.pdf.

[130] Federal Transit Administration. 2018. *Transit Noise and Vibration Impact Assessment*. FTA-VA-90-1003-06. Office of Planning and Environment. Available: http://www.fta.dot.gov/documents/FTA_Noise_and_Vibration_Manual.pdf.

4.3.13.2 Overview of Ground-borne Vibration

Ground-borne vibration is an oscillatory motion of the soil with respect to the equilibrium position. It can be quantified in terms of velocity or acceleration. Variations in geology and distance result in different vibration levels, including different frequencies and displacements. In all cases, vibration amplitudes decrease with increased distance.

Operation of heavy construction equipment creates seismic waves that radiate along the surface of and downward into the ground. These surface waves can be felt as ground vibration. Vibration from the operation of construction equipment can result in effects that range from annoyance for people to damage for structures. Perceptible ground-borne vibration is generally limited to areas within a few hundred feet of construction activities. As seismic waves travel outward from a vibration source, they cause rock and soil particles to oscillate. The actual distance that these particles move is usually only a few ten-thousandths to a few thousandths of an inch. The rate or velocity (in inches per second) at which these particles move is the commonly accepted descriptor of vibration amplitude, referred to as peak particle velocity, or PPV.

Vibration amplitude attenuates (or decreases) over distance. This attenuation is a complex function of how energy is imparted into the ground as well as the soil or rock conditions through which the vibration is traveling (variations in geology can result in different vibration levels). The following equation is used to estimate the vibration level at a given distance for typical soil conditions. PPV_{ref} is the reference PPV at 25 feet.

$$PPV = PPV_{ref} \times (25/distance)^{1.5}$$

Table 4.3-11 summarizes typical vibration levels generated by construction equipment at a reference distance of 25 feet and other distances, as determined with use of the attenuation equation above.

Table 4.3-11. Vibration Source Levels for Construction Equipment

Equipment	PPV (in/sec) at 25 Feet	PPV (in/sec) at 50 Feet	PPV (in/sec) at 75 Feet	PPV (in/sec) at 100 Feet	PPV (in/sec) at 175 Feet
Caisson drill	0.089	0.0315	0.0171	0.0111	0.0048
Large bulldozer	0.089	0.0315	0.0171	0.0111	0.0048
Loaded trucks	0.076	0.0269	0.0146	0.0095	0.0041
Jackhammer	0.035	0.0124	0.0067	0.0044	0.0019
Small bulldozer	0.003	0.0011	0.0006	0.0004	0.0002

Source: Federal Transit Administration. 2006. *Transit Noise and Vibration Impact Assessment*. FTA-VA-90-1003-06. Office of Planning and Environment. Available: https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_Noise_and_Vibration_Manual.pdf. Accessed: June 21, 2020.

4.3.13.3 Regulatory Setting

There are no federal noise standards that are directly applicable to the Project. With regard to state regulations, Title 24 of the CCR, Part 2 (California Noise Insulation Standards), establishes minimum noise insulation standards to protect persons within new hotels, motels, dormitories, long-term care facilities, apartment houses, or dwellings other than single-family residences. Under this regulation, interior noise levels that are attributable to exterior noise sources cannot exceed 45 dBA, day-night level (L_{dn}), in any habitable room.

With respect to local noise standards, two regulation sources are applicable to the Project: the 2040 General Plan and the Municipal Code. The applicable regulations from these two sources are described below.

2040 General Plan

Chapter 8, Community Safety Element, of the 2040 General Plan establishes noise and land use compatibility standards to guide new development. It provides goals and policies to reduce the harmful and annoying effects of excessive noise in the city. The policies relevant to the Project include:

- Locating noise-sensitive uses away from major sources of noise (Policy CS-4.1).
- Requiring the design of new residential development and office development to comply with protective noise standards (Policies CS-4.2 and CS-4.3, respectively).
- Monitoring noise impacts from aircraft operations at SFO and Mills-Peninsula Medical Center (Policy CS-4.7).
- Requiring development projects subject to discretionary approval to assess potential construction noise impacts on nearby sensitive uses and minimize impacts consistent with the Municipal Code (Policy CS-4.10).
- Requiring a vibration impact assessment for projects that would use heavy-duty equipment and be located within 200 feet of an existing structure or sensitive receptor (Policy CS-4.13).

Also in the Community Safety Element of the 2040 General Plan are noise compatibility criteria for each category of land use in the city. Multi-family residential land uses, motels and hotels, schools, libraries, churches, hospitals, and nursing homes are compatible with outdoor noise levels of up to 60 dBA, L_{dn} or CNEL, while single-family residential land uses are compatible with noise of up to 55 dBA, L_{dn} or CNEL. Less noise-sensitive land uses, such as commercial and industrial uses, are considered compatible with higher levels of outdoor noise (see Figure 4-1 from the Community Safety Element, which shows the outdoor noise levels that are suitable for the various land use categories).

City of Burlingame Municipal Code

The Building Construction section of the Municipal Code establishes daily hours for construction in the city. Chapter 18.07.110 states that no person shall erect, demolish, alter, or repair any building or structure outside the hours between 8:00 a.m. and 7:00 p.m. on weekdays or 9:00 a.m. and 6:00 p.m. on Saturdays; no construction shall take place on Sundays and holidays, except under circumstances of urgent necessity in the interest of public health and safety. An exception, which must be approved in writing by a building official, shall be granted for a period of no more than 3 days for structures with a gross floor area of less than 40,000 gross square feet when reasonable to accomplish erection, demolition, alteration, or repair work; the exception shall not exceed 20 days for structures with a gross floor area of 40,000 gross square feet or greater. In addition to the restriction on hours for construction, Section 10.40.039 of the City Municipal Code identifies time periods when loading and unloading activities are prohibited (i.e., between 10:00 p.m. Sunday, Monday, Tuesday, Wednesday, or Thursday and 7:00 a.m. the following day; between 10:00 p.m. Friday and 8:00 a.m. the following Saturday; between 10:00 p.m. Saturday and 8:00 a.m. the following Sunday; and between 10:00 p.m. the day before a holiday and 8:00 a.m. on the holiday).

Land Use Category	Community Noise Exposure Ldn/CNEL, dB					
	55	60	65	70	75	80
Residential – Low Density Single Family, Duplex, Mobile Homes						
Residential – Multi. Family						
Transient Lodging – Motels, Hotels						
Schools, Libraries, Churches, Hospitals, Nursing Homes						
Auditoriums, Concert Halls, Amphitheaters						
Sports Arenas, Outdoor Spectator Sports						
Playgrounds, Neighborhood Parks						
Golf Course, Riding Stables, Water Recreation, Cemeteries						
Office Buildings, Business Commercial and Professional						
Industrial, Manufacturing Utilities, Agriculture						

NORMALLY ACCEPTABLE
Specified land use is satisfactory based upon the assumption that most buildings involved are of normal conventional construction, without any special noise insulation requirements.

CONDITIONALLY ACCEPTABLE
New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning, will normally suffice.

NORMALLY UNACCEPTABLE
New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.

CLEARLY UNACCEPTABLE
New construction or development should generally not be undertaken. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.

Source: City of Burlingame 2019.

Figure 4-1
City of Burlingame Outdoor Noise Level Planning Criteria
1868 Ogden Drive Project

The Municipal Code also contains standards that limit noise from mechanical equipment, such as air-conditioners and generators, to 60 dBA during the daytime hours of 7:00 a.m. to 10:00 p.m. and 50 dBA during the nighttime hours of 10:00 p.m. to 7:00 a.m. (Section 25.58.050).

Existing Noise Levels

The primary existing source of noise in the Project area is traffic on nearby roadways, mainly Ogden Drive and Murchison Drive. The noise from wheels rolling on the pavement and, to a lesser extent, engine noise from vehicles traveling on these roadways is audible at the project site throughout the day.

Caltrain and freight tracks are approximately 1,600 feet to the east of the Project site. At that distance, railroad-related noise is composed primarily of train horn noise, which occurs many times throughout the day at the Millbrae Caltrain station. The Project would not affect the level of locomotive or other railroad noise since it would not directly cause an increase in frequency of track use. Other typical urban noise sources, such as voices, landscaping equipment, sirens, commercial vehicle loading/unloading, and parking lots,[131] are also present. Aircraft overflights from SFO occasionally create noise at the Project site.

Existing noise levels in the Project area can be characterized by the noise measurements conducted for the 2040 General Plan EIR, specifically, short-term measurement site 2 from the 2040 General Plan EIR, which is nearest to the Project site. This measurement is approximately 1,200 feet from the Project site, at Trousdale Drive and El Camino Real. Measurements had a duration of 30 minutes and were taken during daytime hours, and noise levels at this location ranged from 63.3 to 64.9 dBA L_{eq}.[132] Measurement site 2 is in a commercial area that is adjacent to a major thoroughfare (El Camino Real) and is thus not likely the most representative measurement location from the 2040 General Plan EIR. To further understand the ambient noise context, then, it is necessary to refer to other measurement site data from the 2040 General Plan EIR.

Short-term measurement site 4 is not in the immediate proximity of the Project site (1 mile to the south) but is "considered to be representative of background daytime noise levels associated with single-family residential land uses in the city that are located west of El Camino Real" according to the 2040 General Plan EIR.[133] The Project site is located in a residential area, but most of the residences in the immediate proximity are multi-family not single-family ones. Nevertheless, data from measurement site 4 has partial relevance to the project's ambient noise levels given the residential nature of the Project area. Daytime noise levels at measurement site 4 ranged from 50.1 to 55.1 dBA L_{eq}.[134] A summary of the relevant measured noise levels from the City's 2040 General Plan EIR and how those levels relate to the project are included in Table 4.3-12.

[131] These sources of noise include car engines starting, car doors slamming, car alarms activating, and vehicle backup alarms sounding.
[132] City of Burlingame. 2018. *Burlingame 2040 General Plan Draft EIR.* Chapter 15, Noise and Vibration. Available: https://www.envisionburlingame.org/files/managed/Document/360/Chapter%2015_Noise_BurlingameGP-EIR_06-26-2018.pdf. Accessed: July 17, 2020.
[133] Ibid.
[134] Ibid.

Table 4.3-12 Relevant 2040 General Plan EIR Measured Noise Levels

2040 General Plan EIR Measurement Site	Daytime Noise Level (L_{eq})	Location	Relevance to Project
Short-Term Measurement Site 2	63.3 – 64.9	El Camino Real and Trousdale Drive	Nearest to project
Short-Term Measurement Site 4	50.1 – 55.1	Near Benito Avenue and Hillside Drive	Representative of residential areas(single-family)

City of Burlingame. 2018. *Burlingame 2040 General Plan EIR.* Chapter 15, Noise and Vibration. Available: https://www.envisionburlingame.org/files/managed/Document/360/Chapter%2015_Noise_BurlingameGP-EIR_06-26-2018.pdf. Accessed: July 17, 2020.

Noise-Sensitive Land Uses

Noise-sensitive land uses are generally defined as locations where people reside or the presence of unwanted sound could adversely affect the use of the land. Noise-sensitive land uses typically include single- and multi-family residential areas, health care facilities, lodging facilities, and schools. Recreational areas where quiet is an important part of the environment can also be considered sensitive to noise. Some commercial areas may be considered noise sensitive as well, such as the outdoor restaurant seating areas.

The nearest noise-sensitive land use is the residential apartment building located adjacent of the Project site, and there are other residential apartment buildings are located across Ogden Drive, approximately 75 feet from the Project site. Much of Ogden Drive between Murchison Drive and Trousdale Drive is lined with noise-sensitive multi-family apartment buildings. Other residences located further away from the Project site and not specifically mentioned in this discussion may be affected by Project noise, but the residences specified above would be the most affected.

With respect to non-residential noise-sensitive land uses, Mills High School, in the city of Millbrae, is located as close as 300 feet from the Project site but over 1,000 feet at the farther point on the campus. Mills High School is considered noise-sensitive because excessive noise could disrupt classroom or learning activities. There is also a religious facility, a Buddhist temple, that is located approximately 50 feet from the Project site, and excessive noise could potentially disrupt religious facilities.

4.3.13.4 Significance Criteria

CEQA Guidelines Appendix G includes a list of potentially significant project impacts. The proposed Project would have a significant noise and vibration impact if it would:

- Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.
- Generate excessive ground-borne vibration or ground-borne noise levels.
- For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels.

4.3.13.5 Approach to Analysis

This noise impact analysis evaluates the temporary noise increase associated with project construction activities, operational noise generated by sound-generating equipment, and the potential for increase traffic to affect ambient noise levels.

Noise impacts associated with onsite demolition and construction were evaluated using the noise calculation method and construction equipment noise data in the Federal Highway Administration (FHWA) Roadway Construction Noise Model. The data includes the A-weighted L_{max}, measured at a distance of 50 feet from the construction equipment, and the utilization factors for the equipment. The utilization factor is the percentage of time each piece of construction equipment is typically operated at full power over the specified time period. It is used to estimate L_{eq} values from L_{max} values. For example, the L_{eq} value for a piece of equipment that operates at full power over 50 percent of the time is 3 dB less than the L_{max} value.[135]

With respect to vibration impacts, guidelines developed by the California Department of Transportation (Caltrans) to assess potential vibration-related damage and annoyance effects are used as guidelines for determining if impacts would occur.

Peak hour traffic volumes for each analyzed scenario were provided by the traffic consultant retained for the project and converted into average daily traffic (ADT) volumes. Based on guidance from the project traffic engineer, peak hour intersection volumes were converted into ADT by taking the average of the AM and PM peak hour volumes and multiplying by 10.[136] The ADT volumes were then used to determine what the increase in traffic would be from the Project. As noted in *Overview of Noise and Sound*, the volume of traffic on a roadway would typically need to double to result in a noticeable increase in noise, and this principle has been applied to the traffic volume increases to estimate the approximate increase in noise that would occur.

As discussed previously, a change of 3 dB is barely noticeable, a change of 5 dB is clearly noticeable, and a change of 10 dB is perceived as doubling or halving the sound level as it increases or decreases. Consequently, an increase in traffic noise levels of 3 dB or more (considered "barely noticeable") along roadway segments would be considered a significant increase, which is consistent with the criterion used to determine traffic noise impacts in the Noise and Vibration section of the 2040 General Plan EIR.

Operational noise impacts associated with the proposed onsite activities and stationary sources of noise were also evaluated, based on the proposed site plan layout and the types of noise-generating equipment and activities that would occur with buildout of the project.

Overall, noise impacts on future onsite noise-sensitive uses were analyzed in accordance with the CBIA v. BAAQMD case,[137] which establishes that the effects of the environment on a project are not considered impacts, unless a project exacerbates the hazard or worsens the noise effect.

[135] Federal Highway Administration. 2006. *FHWA Roadway Construction Noise Model User's Guide*. FHWA-HEP-05-054. January. Available: https://www.placer.ca.gov/DocumentCenter/View/8271/FHWA-2006-Roadway-Construction-Noise-Model-User-Guide-PDF. Accessed: February 28, 2020.

[136] Lee, Jocelyn. Engineer, Hexagon Transportation Consultants, Inc. Electronic communication with Cory Matsui of ICF regarding the conversion of peak hour data into ADT. July 9, 2020.

[137] *California Building Industry Association v. Bay Area Air Quality Management District*, Supreme Court Case No. S213478.

4.3.13.6 Impact Evaluation

Impact NOI-1: The Project could generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. (*Less than Significant with Mitigation*)

Operation

Rooftop Heating, Ventilation, and Air-Conditioning Equipment Noise and Other Operational Noise Sources

The Project would include roof-mounted HVAC units to provide heating and cooling for building occupants. Typical HVAC equipment can produce sound levels in the range of 70 to 75 dBA at 50 feet, depending on the size of the equipment.[138] Detailed HVAC equipment information is not currently known, so it can be assumed that the typical HVAC sound level noted above would be apply to the Project.

Other sources of noise during Project operations may include landscaping activities, building maintenance, garbage collection, and human voices. As discussed previously, the nearest noise-sensitive land use is adjacent to the Project site, in an area where individual residences may be as close as 15 feet horizontally from the site. However, HVAC equipment at the Project site would be located on top of the sixth floor, which would increase attenuation with the vertical distance between the equipment and the nearest residences. In addition, the HVAC units would be located behind screens and parapets with no direct line of sight to adjacent structures or the street below. Further, Chapter 15 of the 2040 General Plan EIR concludes that stationary-source noise impacts from HVAC equipment and other non-transportation noise sources would be less than significant because the equipment and sources would be required to comply with the provisions of the Municipal Code that pertain to such sources.[139] Noise impacts from rooftop HVAC equipment and other operational noise sources at the Project site would, therefore, be ***less than significant***.

Traffic Noise

Traffic would increase in the area as a result of Project implementation. To analyze the effect of traffic volumes, the increases in volumes on all affected roadways have been calculated. Traffic noise increases with increasing traffic volumes. However, a doubling in traffic volumes (a 100 percent increase) equates to a 3 dB increase in noise. As discussed above, an increase of 3 dB is considered to be barely noticeable by the human ear and not a substantial increase. Roadway segments with less than a 100 percent increase in traffic are therefore considered to be segments that would not experience significant traffic noise impacts as a result of the Project (refer to Appendix F for the traffic noise data tables).

With respect to existing conditions, the Project would result in minor increases in ADT volumes (i.e., up to a maximum of 6.6 percent on Ogden Drive, between Murchison Drive and the Project site). The roadway with the next highest project-related increase is Ogden Drive between the Project site and

[138] Hoover and Keith. 2000. *Noise Control for Buildings, Manufacturing Plants, Equipment, and Products*. Houston, TX.
[139] City of Burlingame. 2018. *Envision Burlingame Draft Environmental Impact Report.* June 28. Available: https://www.envisionburlingame.org/files/managed/Document/378/BurlingameGP_DEIR_FullDocument_06-28-2018.pdf. Accessed: July 1, 2019.

Trousdale Drive, where traffic would increase by 3.7 percent. Traffic volume increases on all other roadways would be about 1 percent or less.

For near-term background conditions (i.e., conditions at the time of Project completion), growth in the Project area would result in traffic volume increases, even in the absence of the Project. With respect to these near-term background conditions, the Project would also result in a maximum increase of 6.6 percent on the same segment of Ogden Drive. The next highest increase, 3.7 percent, would also occur on Ogden Drive between the Project site and Trousdale Drive.

Cumulative scenarios that incorporate traffic volumes for 2040 with and without the project, have also been evaluated. For these scenarios, the maximum increase from the Project would be 5.5 percent and occur on the same road segment. In general, the Project-related increases in the cumulative scenario would be lower than in the existing and near-term background conditions, because there would be non-Project related background growth in traffic that would occur without the Project. Thus, the increase in traffic volumes relative to all conditions would correspond to an increase in noise levels that would not be noticeable to the human ear. Because the increase would not be noticeable, the impacts of traffic noise would be ***less than significant***.

Construction Noise

The Project would demolish the onsite structure and construct a new building with a parking structure and other amenities. Demolition and construction activities would generate noise, resulting in a temporary increase in noise levels at adjacent land uses. Construction activities would generally comply with the time-of-day restrictions specified in the Municipal Code.

The significance of potential noise impacts resulting from demolition and construction would depend on the noise generated by the various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise-sensitive receptors. To assess the potential for significant construction noise impacts, the Federal Highway Administration's source noise levels for construction equipment were used to approximate the level of noise that would occur during construction. Table 4.3-13 shows maximum and average noise levels at 50 feet, based on Federal Highway Administration data for the equipment that is expected to be used for Project construction. The equipment list as represented in Table 4.3-13 was developed based on the CalEEMod program used to evaluate impacts in 4.3.3, *Air Quality*.

To provide a reasonable worst-case analysis of potential noise impacts from concurrent use of construction equipment during Project construction, construction noise modeling was conducted that assumed that the three loudest pieces of equipment proposed for use during each construction phase would operate simultaneously in the same location on the Project site. Table 4.3-14 identifies the combined noise level, in terms of L_{eq}, from operation of the three loudest pieces of construction equipment for each phase at increasing distances from the Project site.

As shown in Table 4.3-14, combined construction noise levels would be generally consistent with the noise levels referenced in Chapter 15, Noise and Vibration, of the 2040 General Plan EIR (i.e., 85 to 88 dBA at 50 feet), although the architectural coating phases would result in noise levels that would be lower than 74 dBA L_{eq} at 50 feet. No construction phase would have noise levels that would exceed 86 dBA L_{eq} at 50 feet.

Without incorporation of noise reduction measures, some construction equipment would have the potential to increase noise levels above ambient levels, which could be considered a substantial increase. Chapter 15 of the 2040 General Plan EIR notes that sustained L_{eq} levels of 85 dBA would

result in noise that would be 18 to 39 dBA above ambient conditions in low- to medium-density residential areas of the city and 11 to 28 dBA above ambient conditions in higher-density residential, commercial, and industrial areas of the city. Consequently, the 2040 General Plan EIR revised Policy CS.4-10 in the Community Safety Element to require all development projects that are subject to discretionary review and located near noise-sensitive land uses to minimize adverse noise impacts through noise control measures. Noise control measures include construction management techniques, construction equipment controls, sound barriers, and construction noise monitoring.

Table 4.3-13. Construction Equipment Reference Noise Levels for Proposed Project Construction[a]

Construction Equipment	Number of Pieces of Equipment	L_{max} at 50 Feet (dBA)	L_{eq} at 50 Feet (dBA)	Percent Usage Factor
Phase 1 – Demolition				
Concrete/Industrial Saws	1	90	83	20%
Dump Truck	1	82	78	40%
Backhoes	2	84	80	40%
Water Truck[b]	1	74	70	40%
Phase 2 – Site Preparation				
Grader	1	85	81	40%
Tractor	1	84	80	40%
Water Pump	1	81	78	50%
Water Truck	1	74	70	40%
Phase 3 – Grading				
Concrete/Industrial Saw	1	90	83	20%
Rubber Tired Dozer	1	82	78	40%
Tractors	2	84	80	40%
Water Truck	1	74	70	40%
Phase 4 – Building Construction				
Crane	1	81	73	16%
Forklifts[c]	2	84	80	40%
Tractor	2	84	80	40%
Phase 5 – Paving				
Cement and Mortar Mixers[d]	4	80	77	50%
Paver	1	77	74	50%
Roller	1	80	73	20%
Tractor	1	84	80	40%
Concrete Truck	1	79	75	40%
Phase 6 – Architectural Coating				
Air Compressor	1	78	74	40%

Source: Federal Highway Administration. 2006. *Roadway Construction Noise Model User's Guide*. Available: http://www.fhwa.dot.gov/environment/noise/construction_noise/rcnm/rcnm.pdf. Accessed: June 30, 2020.

Construction Equipment	Number of Pieces of Equipment	L_{max} at 50 Feet (dBA)	L_{eq} at 50 Feet (dBA)	Percent Usage Factor

[a] The construction equipment list in this table is from CalEEMod.
[b] Represented by "flat bed truck" from user's guide.
[c] Represented by "tractor" from user's guide.
[d] Represented by "drum mixer" from user's guide.
L_{max} = maximum sound level

Table 4.3-14. L_{eq} Construction Noise Levels by Phase (dBA)

Distance from Source (feet)	Demo.	Site Preparation	Grading	Building Construction	Paving	Architectural Coating
15	95	95	96	95	93	84
50	85	85	86	85	83	74
100	79	79	80	79	77	68
200	73	73	74	73	71	62
300	69	69	70	69	67	58
400	67	67	68	67	65	56
525	65	65	66	65	63	54
600	63	63	64	63	61	52
700	62	62	63	62	60	51
800	61	61	62	61	59	50
900	59	60	61	60	58	49
1,000	59	59	60	59	57	48

Notes:
- Geometric attenuation based on 6 dB per doubling of distance.
- This calculation does not include the effects, if any, of local shielding.
- L_{eq} noise is presented in dBA units, which approximate the frequency response of the human ear.
- The three loudest pieces of equipment for each phase are as follows:
  - Demolition: concrete saw dump truck, and backhoe
  - Site preparation: grader, tractor, water pump
  - Grading: concrete saw and two tractors
  - Building construction: two tractors and a forklift
  - Paving: tractor and two cement mixers
  - Architectural coating: one air compressor

As noted above, there are multiple noise-sensitive land uses in the immediate vicinity of the Project site, the closest of which is approximately 15 feet away. At that distance, L_{eq} construction noise levels would be between 84 dBA (for architectural coating) and 96 dBA (for grading). Even at 75 feet, the distance to the multi-family buildings across Ogden Street, noise could be up to 83 dBA.

At 300 feet from the Project site, where Mills High School is located, noise could be up to 69 dBA L_{eq}, which would be moderately above the noise levels measured at the nearest site from the 2040 General Plan EIR (see Table 4.3-12 above). However, most of the school is located more than 300 feet from the Project site, and thus noise at most of the school would be substantially lower than 69 dBA.

Nevertheless, noise in the 70 to 90 dBA range would most likely be considered a substantial increase over ambient noise levels for people at the multi-family buildings, or people attending services at the Buddhist temple; therefore, construction noise would result in a potentially significant impact. In addition, because noise-sensitive land uses are found near the Project site, noise control measures would be required, per Policy CS.4-10 of the 2040 General Plan. Consistent with the requirements of the 2040 General Plan, Mitigation Measure NOI-1 would require a noise control plan to be implemented, including noise reduction measures to minimize the Project's construction noise to the extent possible. Because construction noise would be reduced to a level that would not be considered a substantial increase above ambient levels, construction noise impacts would be ***less than significant with mitigation***.

Mitigation Measure NOI-1: Construction Noise Control Plan. The applicant shall develop a set of site-specific noise attenuation measures. Prior to commencement of construction activities, the applicant shall submit the construction noise control plan to the City for review and approval. Noise attenuation measures shall be identified in the plan and implemented to reduce noise levels to the greatest extent feasible. Noise measures may include, but are not limited to, the following:

- Using smaller equipment with lower horsepower or reducing the hourly utilization rate of equipment on the site to reduce noise levels at 50 feet to the allowable level.
- Locating construction equipment as far as feasible from noise-sensitive uses.
- Requiring that all construction equipment powered by gasoline or diesel engines have sound control devices that are at least as effective as those originally provided by the manufacturer and that all equipment be operated and maintained to minimize noise generation.
- Prohibiting gasoline or diesel engines from having unmuffled exhaust systems.
- Not idling inactive construction equipment for prolonged periods (i.e., more than 5 minutes).
- Constructing a solid plywood barrier around the construction site and adjacent to operational businesses, residences, or other noise-sensitive land uses.
- Using temporary noise control blanket barriers.
- Monitoring the effectiveness of noise attenuation measures by taking noise measurements.
- Using "quiet" gasoline-powered compressors or electrically powered compressors and electric rather than gasoline- or diesel-powered forklifts for small lifting.

Impact NOI-2: The Project would not generate excessive ground-borne vibration or ground-borne noise levels. (*Less than Significant*)

Construction

As shown in Table 4.3-13, above, the Project would require several different types of construction equipment. Although pile driving would not be required, construction would require the use of other equipment that may generate vibration. The equipment that would be used on the Project and generate the most vibration during construction would be a loaded truck and a bulldozer (see Table 4.3-11). The trucks would mostly remain on Ogden Drive and occasionally pass residences in

the Project vicinity. For a worst-case scenario, with a residence located 25 feet from the roadway, a loaded truck would generate occasional vibration events with a PPV of approximately 0.076 inch per second (see Table 4.3-11).

With respect to the bulldozer, the exact size of the bulldozer is not currently known. The corresponding horsepower for this equipment, as estimated by CalEEMod, is 247. A dozer with horsepower 247 is best characterized as mid-sized and neither small nor large. The CARB database of off-road equipment in California has equipment information for bulldozers ranging in horsepower from 25 to 750.140 This range of dozer horsepower supports the notion that the dozer to be used for Project construction would be a mid-sized one. Based on the PPV values at 25 feet in Table 4.3-11 for a large bulldozer (0.089) and a small dozer (0.003), it is reasonable to conclude that the corresponding vibration level at 25 feet for a mid-sized bulldozer would be the median of these two values, 0.046 PPV. As such, this median vibration level for the dozer is used to evaluate the vibration impacts from Project construction.

The bulldozer would very likely operate throughout the Project site and be as close as 15 feet from the nearest residences at 1860 Ogden Drive. Using the median bulldozer vibration level of 0.046 PPV at 25 feet, as well as the vibration attenuation equation shown in *Overview of Ground-borne Vibration*, vibration levels from the bulldozer at a distance of 15 feet would have a PPV of 0.0990 inch per second.

Using the vibration levels noted above, the effects of vibration from a loaded truck and bulldozer during construction with respect to the potential for building damage and human annoyance are discussed below.

Damage

The existing buildings in the vicinity of the Project site are of various ages and conditions and thus would have varying susceptibility to damage from ground-borne vibration during construction. Table 4.3-15 summarizes the guidelines developed by Caltrans for damage potential for buildings from transient and continuous vibration associated with construction activity. Activities that can cause continuous vibration include the use of excavation equipment, static compaction equipment, tracked vehicles, vehicles on a highway, vibratory pile drivers, pile extraction equipment, and vibratory compaction equipment.

As shown in Table 4.3-15, the potential for vibration-induced damage depends on the condition and type of structure. Although there are no definitive criteria for classifying buildings using the Caltrans guidelines in Table 4.3-15, it is reasonable to conclude, as a worst-case scenario, that the adjacent buildings in the project area would be classified as “historic and some old buildings” or “older residential structures”. The damage thresholds for these categories of buildings are 0.25 and 0.3 inches per second (for continuous/frequent intermittent sources of vibration), respectively.

The equipment with the greatest potential to cause ground-borne vibration are a loaded truck and a bulldozer. At a reference distance of 25 feet the loaded truck would result in a vibration level (PPV) of 0.076. At a distance of 15 feet, a mid-sized bulldozer would result in a vibration level (PPV) of

[140] CARB’s online database, EMFAC, has an inventory of both on-road and off-road vehicles in the state as well as the corresponding pollutant emissions from these vehicles. The online database can be found at this link: https://arb.ca.gov/emfac/emissions-inventory.

0.099.[141] These levels are below the level for damage potential at historic buildings and older residential structures, as shown in Table 4.3-15. Because this assessment is a reasonable worst-case scenario for the area between the location of construction equipment and the nearest adjacent buildings, no damage would occur at any building in the vicinity of the Project site. The impact of construction vibration related damage to buildings would be ***less than significant***.

Table 4.3-15. Vibration Damage Potential Threshold Criteria Guidelines

	Maximum PPV (in/sec)	
Structure and Condition	**Transient Sources[a]**	**Continuous/Frequent Intermittent Sources[b]**
Extremely fragile historic buildings, ruins, ancient monuments	0.12	0.08
Fragile buildings	0.2	0.1
Historic and some old buildings	0.5	0.25
Older residential structures	0.5	0.3
New residential structures	1.0	0.5
Modern industrial/commercial buildings	2.0	0.5

Source: California Department of Transportation. 2020. *Transportation and Construction Vibration Guidance Manual*. April. https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/tcvgm-apr2020-a11y.pdf. Accessed: June 22, 2020.

Notes:

[a] Transient sources create a single isolated vibration event (e.g., blasting or use of drop balls).

[b] Continuous/frequent intermittent sources include impact pile drivers, pogo-stick compactors, crack-and-seat equipment, vibratory pile drivers, and vibratory compaction equipment.

Annoyance

Table 4.3-16 summarizes the guidelines developed by Caltrans for annoyance potential from transient and continuous vibration associated with construction activity. As shown in Table 4.3-16, the limit of perceptibility for ground-borne vibration is a PPV of 0.04 and 0.01 inch per second for transient and continuous sources, respectively. Note that people are generally more sensitive to vibration during nighttime hours (when sleeping) than during daytime hours.

As discussed above, the estimated vibration level generated by a loaded truck at 25 feet is a PPV of 0.076 inch per second. At the nearest residential structure, a loaded truck passing by would cause vibration that would be slightly more than barely perceptible but much less than distinctly perceptible, based on the thresholds for transient sources in Table 4.3-16. Consequently, the Project would generate perceptible ground-borne vibration from the use of loaded trucks. Such vibration may occasionally be vaguely perceptible by existing residents but would not be considered substantial, because it would be well below what is considered distinctly perceptible.

Operation of the bulldozer would be considered a continuous source of vibration rather than a transient source. The bulldozer would generate vibration at 15 feet (0.0990 inch per second) that would be above the "distinctly perceptible" PPV threshold of 0.04 inch per second but would not exceed the "strongly perceptible" threshold of 0.10 inch per second, based on the threshold values in

[141] These distances assume that a loaded truck would operate on the roadway, approximately 25 feet from the nearest residence, while the bulldozer would operate on the parcel itself, approximately 15 feet from the nearest residence.

Table 4.3-16. Thus, at the worst-case distance of 15 feet, vibration from the bulldozer could be strongly perceptible at the nearest residences, but such effects would occur for short periods of time. Most of the Project site is located at far greater distances to the nearest residences than 15 feet, and, while the bulldozer is operating throughout the project site, vibration levels would be substantially lower than 0.0990 inch per second. For example, at distances of approximately 28 feet between the nearest residences and the bulldozer, the vibration level from the bulldozer would be below the distinctly perceptible threshold of 0.04 inch per second. When the bulldozer is approximately 70 feet or greater away from the nearest residence, vibration would be below the barely perceptible threshold. Because the vibration level would be reduced to a lesser perceptibility threshold at relatively minor increments

Table 4.3-16. Vibration Annoyance Potential Criteria Guidelines

	Maximum PPV (in/sec)	
Human Response	**Transient Sources[a]**	**Continuous/Frequent Intermittent Sources[b]**
Barely perceptible	0.04	0.01
Distinctly perceptible	0.25	0.04
Strongly perceptible	0.9	0.10
Severe	2.0	0.4

Source: California Department of Transportation. 2013b. *Transportation and Construction Vibration Guidance Manual*. September. Available: http://www.dot.ca.gov/hq/env/noise/pub/TCVGM_Sep13_ FINAL.pdf. Accessed: June 21, 2020.

Notes:

[a] Transient sources create a single isolated vibration event (e.g., blasting or use of drop balls).

[b] Continuous/frequent intermittent sources include impact pile drivers, pogo-stick compactors, crack-and-seat equipment, vibratory pile drivers, and vibratory compaction equipment.

of increasing distance, the strongly perceptible level of vibration would occur in very limited circumstances. As such, use of the bulldozer would not cause vibration that is excessive at existing residences. Furthermore, vibration-generating activities would be limited to daytime hours and would not occur during nighttime hours. People are generally more sensitive to vibration during evening and nighttime hours when they may be sleeping. For the reasons discussed above, the impact of construction vibration related to annoyance at adjacent buildings is considered ***less than significant***.

Operation

During Project operation, no impact equipment or other equipment associated with substantial ground-borne vibration would be used. ***No impacts*** related to vibration would occur during Project operations.

Impact NOI-3: The Project would not expose people residing or working in the project area to excessive noise levels for a project located within the vicinity of a private airstrip or an airport land use plan, or where such plan has not been adopted, within two miles of a public airport or public use airport. (*Less than Significant*)

As noted above, the Project site is 0.9 miles from the nearest runway at SFO. The Project would not result in any changes to noise levels at SFO; however, new occupants at the Project site would be exposed to aircraft noise. Although the impact of aircraft noise on new occupants at a project site

does not require evaluation under CEQA,[142] this type of impact is analyzed in the 2040 General Plan EIR. The Project site is not inside the 60 or 65 CNEL contour for SFO, as shown in the *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport*.[143] As stated in the 2040 General Plan EIR, impacts related to the exposure of new sensitive land uses to airport noise are considered less than significant because Policies CS-4.7, CS-4.8, and CS-4.9 ensure that new development within the these CNEL contours is adequately protected from aircraft noise at SFO. Because the Project site would not be within the CNEL contours, implementation of 2040 General Plan Policies CS-4.7 to CS-4.9 would not be required. Consistent with the 2040 General Plan EIR, the impact pertaining to aircraft noise would be ***less than significant***.

4.3.14 Population and Housing

4.3.14.1 Environmental Setting

The Project site is currently occupied by a two-story 26,000 square foot office building and associated at-grade parking. No individuals currently reside at the Project site and for purposes of this analysis, the existing building is assumed to be vacant with no employees.

- **Population.** According to the California Department of Finance, the city of Burlingame had a population of approximately 30,118 as of January 1, 2020.[144] Table 4.3-17 shows ABAG population projections for the city of Burlingame, San Mateo County, and Bay Area as a whole. As shown, the city population will increase by approximately 1,075 (3.6 percent) by 2025. Projections also indicate that population growth in Burlingame will exceed population growth in the county (2.5 percent) between 2020 and 2025 but be less than that of the Bay Area as a whole (4.6 percent).[145]

Table 4.3-17. Population Projections (2020 to 2025)

	2020	2025	Growth (2020–2025)
City of Burlingame	29,975	31,050	1,075 (3.6%)
San Mateo County	796,925	816,460	19,535 (2.5%)
Bay Area	7,920,230	8,284,200	395,970 (4.6%)

Source: Association of Bay Area Governments. 2018. *Projections 2040.*

[142] Pursuant to the recent Supreme Court case decision in the *California Building Industry Association* (*CBIA) vs. Bay Area Air Quality Management District (BAAQMD)* case, CEQA does not require an analysis of how the existing environmental conditions would affect a Project's residents or users unless the project would exacerbate those conditions.

[143] City/County Association of Governments of San Mateo County. 2012. *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport*. p. D-15. November. Available: http://ccag.ca.gov/wp-content/uploads/2014/10/Consolidated_CCAG_ALUCP_November-20121.pdf. Accessed: July 29, 2019.

[144] California Department of Finance. 2020. *E-1 Population Estimates for Cities, Counties, and the State with Annual Percent Change—January 1, 2018, and 2019.* Sacramento, CA. May. Available: http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-1/. Accessed: July 24, 2020.

[145] Association of Bay Area Governments. 2018. *Plan Bay Area Projections 2040: A Companion to Plan Bay Area 2040.* November. Available: https://abag.ca.gov/planning/research/forecasts.html. Accessed: July 24, 2020.

- **Housing.** According to the U.S. Census Bureau, in 2018 the city of Burlingame had an estimated 12,755 housing units[146] with an average size of 2.49 persons per household.[147] That same year, the city had a housing vacancy rate of approximately 5.7 percent (726 units).[148] In addition, the city had approximately 1.42 workers per worker household.[149] Table 4.3-18 presents ABAG projections for households in the city of Burlingame, San Mateo County, and Bay Area for 2020 to 2025. The number of households in the city is projected to grow from approximately 12,755 in 2020 to 13,190 units in 2025, an increase of approximately 3.4 percent. According to ABAG, the number of households in the county is projected to grow by approximately 2.1 percent, while the Bay Area is expected to grow by approximately 4.4 percent in 5 years.[150]

Table 4.3-18. Household Projections (2020 to 2025)

	2020	2025	Growth (2020–2025)
City of Burlingame	12,755	13,190	435 (3.4%)
San Mateo County	284,260	290,330	6,070 (2.1%)
Bay Area	2,881,965	3,009,055	127,090 (4.4%)

Source: Association of Bay Area Governments. 2018. *Projections 2040.*

- **Employment.** Table 4.3-19 presents ABAG projections for the number of jobs in the city of Burlingame, San Mateo County, and Bay Area as a whole Bay Area for 2020 and 2025. The number of jobs in the city is projected to increase by approximately 0.4 percent because of employment increases in the retail, government, construction, education, and financial sectors; decreases are projected in the manufacturing, wholesale, and transportation sectors. Overall, job growth in the city (0.4 percent) is expected to be lower than job growth in the county (4.0 percent) or the Bay Area (3.2 percent).[151] In Burlingame, the categories with the highest employment levels are transportation, warehousing, and utilities, representing nearly one-third of the jobs in the city. More than 11 percent of the jobs are in the arts, entertainment, recreation, and accommodation and food services. [152]

[146] U.S. Census Bureau. 2018. *Selected Housing Characteristics, Burlingame, California*. The 2014–2018 American Community Survey, 5-year Estimates, Data Profiles. ID DP04. Available: https://www.census.gov/acs/www/data/data-tables-and-tools/data-profiles/. Accessed: July 29, 2020.
[147] U.S. Census Bureau. 2018. *Selected Social Characteristics in the United States, Burlingame, California*. The 2014–2018 American Community Survey, 5-year Estimates, Data Profiles. ID DP02. Available: https://www.census.gov/acs/www/data/data-tables-and-tools/data-profiles/. Accessed: July 29, 2020.
[148] U.S. Census Bureau. 2018. *Selected Housing Characteristics, Burlingame, California*. The 2014–2018 American Community Survey, 5-year Estimates, Data Profiles. ID DP04. Available: https://www.census.gov/acs/www/data/data-tables-and-tools/data-profiles/. Accessed: July 29, 2020.
[149] U.S. Census Bureau. 2018. *Selected Economic Characteristics, Burlingame, California*. The 2014–2018 American Community Survey, 5-year Estimates, Data Profiles. ID DP03. Available: https://www.census.gov/acs/www/data/data-tables-and-tools/data-profiles/. Accessed: July 29, 2020.
[150] Association of Bay Area Governments. 2018. *Plan Bay Area Projections 2040: A Comparison to Plan Bay Area 2040.* November. Available: https://abag.ca.gov/planning/research/forecasts.html. Accessed: July 24, 2020.
[151] Ibid.
[152] City of Burlingame. 2015. *City of Burlingame: 2015–2023 Housing Element*. Adopted: January 5.

Table 4.3-19. Job Projections (2020 to 2025)

	2020	2025	Growth (2020–2025)
City of Burlingame	32,335	32,465	130 (0.4%)
San Mateo County	399,275	415,305	16,030 (4.0%)
Bay Area	4,136,190	4,267,760	131,570 (3.2%)

Source: Association of Bay Area Governments. 2018. *Projections 2040.*

In 2018, approximately 17,190 city residents were employed.[153] Furthermore, approximately 12 percent of employees who work in Burlingame also live in the city, while 22 percent work in other cities around San Mateo County, 18 percent work in San Francisco, 10 percent work in Santa Clara County, and 7 percent work in the East Bay. The small percentage of residents who work and live in Burlingame suggests that finding affordable and suitable housing is a challenge for a number of Burlingame's employees.[154]

4.3.14.2 Regulatory Setting

This section summarizes the City's population and housing plans and policies, and regional, state, and federal agencies that have policy and regulatory control over the Project site.

Federal

There are no federal regulations related to population and housing.

State

Housing Element Law (California Government Code Article 10.6)

State law requires each city and county to prepare and maintain a current housing element as part of the community's general plan to attain a statewide goal of providing "decent housing and a suitable living environment for every California family." Under state law, housing elements must be updated every eight years and reviewed by the State Department of Housing and Community Development. The City of Burlingame published its current housing element in January 2015.

Local

2040 General Plan

No one goal or policy in the 2040 General Plan specifically applies to the project site with respect to population and housing. According to the 2015–2023 Housing Element quantifies the city's projected increase in housing consistent with the ABAG fair share quantity of 863 units (broken down further into four income categories) by 2023 is achievable by new construction alone, and that with rehabilitation, and conservation, the City could provide 1,066 housing units by 2023.[155] The City adopted a new general plan in January 2019. The newly adopted 2040 General Plan includes an updated projected growth scenario for the city through 2040, estimating a 23 percent

[153] U.S. Census Bureau. 2018. *Selected Economic Characteristics, Burlingame, California*. The 2014–2018 American Community Survey, 5-year Estimates, Data Profiles. ID DP03. Available: https://www.census.gov/acs/www/data/data-tables-and-tools/data-profiles/. Accessed: July 29, 2020.
[154] City of Burlingame. 2015. *City of Burlingame: 2015–2023 Housing Element*. Adopted: January 5.
[155] City of Burlingame. 2015. *City of Burlingame: 2015–2023 Housing Element*. Adopted: January 5.

increase in the city's population over 2016 conditions, to a build-out population of 36,600 residents. This includes 2,951 new housing units and 9,731 new jobs. [156]

4.3.14.3 Significance Criteria

CEQA Guidelines Appendix G includes a list of potentially significant project impacts. The proposed project would have a significant population and housing impact if it would:

- Induce substantial unplanned population growth in an area, either directly (for example by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).
- Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

4.3.14.4 Approach to Analysis

The analysis considers the proposed unit count under the Project (120 units), current city of Burlingame household size (2.49 persons per household)[157] to develop projected Project residential population. It is anticipated that Project units would be used by singles and couples rather than large families because of the comparably smaller size of the proposed units and thus, that the average household size with the Project would most likely be smaller than the city average of 2.49 persons per household. The 2.49 persons per household rate used in the analysis is therefore a conservative estimate of household size for the proposed multi-family housing development.

Impact PH-1: The Project would not induce substantial unplanned population growth in an area, either directly (for example by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure). (*Less than Significant*)

Construction. Construction of the Project would increase construction employment directly; however, this would be temporary, occurring only during the 21-month construction period. The size of the construction workforce would vary during the different phases of construction. Depending on the phase, the number of construction workers would range from 5 workers per day to 113 workers per day. Given the relatively common nature of the anticipated construction, the demand for construction employment would most likely be met with the existing and future labor market in the city as well as San Mateo County. A substantial number of workers from outside the city or county would not be expected to relocate temporarily or commute long distances. Therefore, impacts associated with inducing substantial population growth during construction would be less than significant.

Operation. Operation of the Project would result in a direct population increase due to the proposed onsite residential units. The Project would include construction of a new six-story residential building with 120 residential units, six of these residential units would be below-market-rate (BMR) units.[158] Of the 120 residential units, 35 would be studios, 30 would be one-bedroom units, and 55 would be two-

[156] City of Burlingame. 2019. *Burlingame General Plan*. Adopted: November.
[157] U.S. Census Bureau. 2018. *Selected Social Characteristics in the United States, Burlingame, California*. The 2014–2018 American Community Survey, 5-year Estimates, Data Profiles. ID DP02. Available: https://www.census.gov/acs/www/data/data-tables-and-tools/data-profiles/. Accessed: July 29, 2020.
[158] These BMR units would be for low income households that do not exceed 80 percent of the average median income (AMI).

bedroom units. Given the average household size in the city, the Project is could generate approximately 300 residents.[159]

Upon buildout occupancy in 2022, the 300 new residents would represent approximately 0.9 percent of the city's projected total population[160] and approximately 27.9 percent of the city's population growth from 2020 to 2025. Therefore, the increase in population associated with the Project would be within the city's anticipated growth projections and would not result in substantial unplanned population growth. In addition, the Project would ultimately help to accommodate population growth projections for Burlingame by creating more residential housing and improving mixed-use residential/commercial opportunities within the NBMU zone. Therefore, the Project would not result in substantial population growth beyond that expected for the city.

The Project is an infill development within an already-developed area of the city. The Project site is well served by urban infrastructure, services, and transit. As described in Section 4.3.19, *Utilities and Service Systems*, the utilities that currently serve the Project site are adequate under existing conditions and would be able to continue serving the site during Project operations. Few lines would be required to connect the Project to the existing utility infrastructure. Furthermore, no infrastructure is proposed as part of the Project that would serve offsite areas. Therefore, the utility connections that would be required for the Project would not contribute to unplanned indirect population growth in offsite areas. The Project would not induce a substantial level of unplanned population growth in the city, either directly or indirectly. The impact would be ***less than significant***.

Impact PH-2: The Project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. (No Impact)

The Project would demolish the existing two-story office building. The building does not include residences; therefore, housing units would not be displaced. In addition, although the Project site includes an office building, for the purposes of this analysis, it is assumed that the structure is vacant with no existing employees. Therefore, the Project would not displace a substantial number of people and would not necessitate the construction of replacement housing, resulting in ***no impact***.

4.3.15 Public Services

4.3.15.1 Environmental Setting

Fire Protection

The Central County Fire Department (CCFD) provides fire protection services within Burlingame, Millbrae, and Hillsborough. In total, the CCFD service area covers almost 15 square miles, with a residential population of approximately 61,344 individuals. CCFD has 87 full-time employees, including 78 uniformed personnel.[161] There are six fire stations in the CCFD's jurisdiction, two of

[159] Calculation: 120 units x 2.49 residents per unit = ~300 Project generated residents.
[160] The ABAG City of Burlingame population projections for year 2025 are used as a proxy for the projected population during project occupancy. Source: Association of Bay Area Governments. 2018. *Plan Bay Area Projections 2040: A Comparison to Plan Bay Area 2040.* November. Available: https://abag.ca.gov/planning/research/forecasts.html. Accessed: July 24, 2020
[161] Central County Fire Department. 2019. *Fiscal Year 2019–2020 Adopted Budget*. Available: http://www.ccfdonline.org/wp-content/uploads/2019/05/ADOPTED-BUDGET-FY19-20-WEB.pdf. Accessed: February 13, 2020.

which are in Burlingame. The closest CCFD station to the Project is Fire Station No. 37, at 511 Magnolia Avenue in Millbrae, approximately 0.75 mile from the Project site.[162] The CCFD's goal is to keep response times under 7 minutes. The current response time for the CCFD is approximately 4 minutes, 30 seconds for 98 percent of emergency calls.[163]

Police Protection

The Burlingame Police Department (BPD) provides emergency police services within a 5-square-mile area with approximately 30,000 residents.[164] BPD has one police station at 1111 Trousdale Drive. BPD employs 69 men and women, including 40 full-time sworn officers, resulting in a ratio of 1.30 officers per 1,000 residents.[165] The 2040 General Plan Community Safety Element does not designate a standard ratio for police officers to residents or a standard emergency response time. However, it does require continued maintenance of optimal police staffing levels, which are necessary to meet community safety needs,[166] and the current emergency response time is 4 minutes, 37 seconds.[167]

Schools

The Burlingame School District (BSD) includes six elementary schools and one intermediate school,[168] with a total enrollment of approximately 3,350.[169] The Project would be served by Franklin Elementary School.[170] In addition, Burlingame High School, part of the San Mateo Union High School District (SMUHSD), is located in Burlingame. In total, the SMUHSD serves approximately 9,000 students, and enrollment grows every year.[171]

Parks

Please see Section 4.3.16, *Recreation*, for a discussion about existing parks and recreational facilities in Burlingame.

[162] Ibid.
[163] Ambruster, Kristin. Human resources manager, Central County Fire Department. May 21, 2020—phone conversation with Caroline Vurlumis, ICF, San Francisco, CA.
[164] City of Burlingame Police Department. 2018a. Police. Available: https://www.burlingame.org/departments/police_department/index.php. Accessed: February 13, 2020.
[165] City of Burlingame Police Department. 2018b. About Us. Available: https://www.burlingame.org/departments/police_department/about_us.php. Accessed: February 13, 2020.
[166] Ibid.
[167] Boll, Robert. Captain, Burlingame Police Department. May 21, 2020—voicemail left for Caroline Vurlumis, ICF, San Francisco, CA.
[168] Burlingame School District. 2018. *Burlingame School District*. Available: https://www.bsd.k12.ca.us/. Accessed: February 13, 2020.
[169] SchoolWorks, Inc. 2016. *Level 1 – Developer Fee Justification Study for Burlingame School District*. Available: http://bsd-ca.schoolloop.com/file/1236520987086/1403330967436/5172072493375788958.pdf. Accessed: February 13, 2020.
[170] Burlingame School District. 2018. *District Boundaries*. Available: https://www.bsd.k12.ca.us/districtboundaries1617. Accessed: February 13, 2020.
[171] San Mateo Union High School District. 2020. *Welcome to the San Mateo Union High School District!* Available: https://www.smuhsd.org/domain/46. Accessed: February 13, 2020.

Other Public Facilities

The Millbrae Public Library, at 1 Library Avenue, Millbrae, is the closest public library to the Project site. The Millbrae Public Library is part of the Peninsula Library System, which serves the eastern portions of San Mateo County, from South San Francisco to Menlo Park. The Millbrae Public Library serves any resident within the library system.

4.3.15.2 Regulatory Setting

This section summarizes the City's plans and policies related to public services. This section also includes a state code that would apply for the Project. For laws and policies relating to recreational resources within the city, see Section 4.3.16, *Recreation*.

Federal

There are no relevant federal regulations for agricultural and forestry resources.

State

California Fire Code

Section 13000 *et seq.* of the California Health Safety Code includes regulations concerning the building standards set forth in the California Building Standards Code and state fire regulations. These include standards concerning fire protection and notification systems; fire protection devices, such as extinguishers and smoke alarms; fire suppression training; and high-rise construction.

Local

2040 General Plan

The 2040 General Plan contains a Community Safety Element, which acknowledges and mitigates the risks posed by hazards (e.g., fire, seismic hazards, and disaster response), as well as an Engagement and Enrichment Element, which outlines goals and policies to enhance education, art, and public engagement. The 2040 General Plan includes the following goals and policies applicable to public services:

- **Goal CS-1:** Ensure high-quality, responsive police services necessary to deter crime and support a safe and secure community.
- **CS-1.1: Staffing Levels.** Maintain optimal police staffing levels, including sworn officers and civilian support, necessary to meet current and projected community needs.
- **CS-1.3: Response Times.** Identify, monitor and achieve appropriate minimum police response times for all priority levels.
- **Goal CS-2**: Ensure coordinated and effective fire and emergency medical service to maintain the health, safety, and well-being of the Burlingame community.
- **CS-2.7: Staffing and Timing of Expanded Services.** Ensure that the demands of new development for fire protection and emergency medical response services do not strain the ability of the Central County Fire Department to provide staffing and equipment needed to meet response time goals and other stated service metrics. In particular, assess the need to provide strategically located and equipped fire stations within the Bayfront and Rollins Road districts.

- **Goal EE-1:** Provide opportunities for residents of all ages and backgrounds to access high-quality educational services and resources.
- **EE-1.3: Public Schools.** Support Burlingame's well-regarded public-school system, working with the Burlingame School District and the San Mateo Union High School District as appropriate to ensure program and facility needs are met.
- **EE-1.2: Library Facilities.** Provide public library facilities that are inviting, accessible, and comfortable for residents of all ages. Support facility and research technology improvements as needed.

Burlingame Municipal Code, Title 25, Chapter 25.80

According to the Burlingame Municipal Code Title 25, *Zoning*, Chapter 25.80, *Public Facilities Impact Fees*, the City determined that in order to provide sufficient funding to achieve the City's goal of maintaining public services levels and providing adequate police, libraries, and fire services and facilities to residents of the city, certain development projects, as outlined in Section 25.80.050, *Computation of Fee*, would be required to pay a development fee or an in-lieu credit fee in order to mitigate the impacts of the development projects on public services and facilities within the city.

4.3.15.3 Significance Criteria

CEQA Guidelines Appendix G includes a list of potentially significant project impacts. The proposed project would have a significant public services impact if it would:

- Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:
  a. Fire protection
  b. Police protection
  c. Schools
  d. Parks
  e. Other public facilities

4.3.15.4 Approach to Analysis

Evaluation of the Project is based on considering how residential population growth resulting from implementation of the Project would affect public services. According to the CEQA significance criteria, the Project would have an adverse environmental impact if it were to result in a substantial adverse physical impact associated with the provision of new or physically altered government facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times, or other performance objectives for any public services (i.e., fire and police protection, schools, parks, other public facilities). Physical impacts associated with parks are discussed in Section 4.3.16, *Recreation*, of this Draft EIR.

4.3.15.5 Impact Evaluation

Impact PS-1: The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:

a. Fire protection

b. Police protection

c. Schools

d. Parks

e. Other public facilities (*Less than Significant*)

Fire Protection (Less than Significant)

The Project would construct a new building with residential uses on the Project site, which is already developed and currently served by the CCFD. The Project would add 300 new residents to the city. The Project would be required to comply with all applicable CCFD codes and regulations and meet CCFD standards related to fire hydrants (e.g., fire-flow requirements, hydrant spacing), the design of driveway turnaround areas, and access points, among other standards.

Under CEQA, the need for additional equipment and/or personnel to support fire services is not considered a significant impact, unless new facilities would need to be constructed, thereby resulting in physical impacts. The 300 new residents at the Project site would be considered a small addition of residents to the city and would represent an approximately 1.0 percent increase in the city's population. Therefore, the Project would not increase the need for fire services, staffing, and/or equipment to the extent that new fire facilities would need to be constructed, resulting in a ***less-than-significant*** impact.

Police Protection (Less than Significant)

The Project site is currently served by the BPD. The 2040 General Plan Community Safety Element does not designate a standard ratio for police officers to residents or a standard emergency response time. However, it does require continued maintenance of optimal police staffing levels, which are necessary to meet community safety needs.[172] The 2040 General Plan EIR referenced the "238 Bypass Fiscal Impact Analysis" metric, which establishes an optimum ratio of 1.5 sworn police officers per 1,000 residents.[173]

[172] City of Burlingame. 2019. *Envision Burlingame General Plan*. Available: https://www.burlingame.org/document_center/Planning/General%20and%20Specific%20Plans/BurlingameGP_Adopted_Jan2019_Full.pdf. Accessed: July 29, 2020.
[173] City of Burlingame. 2018. *Burlingame 2014 General Plan: Draft Environmental Impact Report.* https://www.burlingame.org/document_center/Planning/BurlingameGP_DEIR_FullDocument_06-28-2018.pdf. Accessed: July 29, 2020.

The Project would add approximately 300 residents at the site compared with existing conditions. The 2040 General Plan EIR, adopted in 2018, found that the BPD has not identified the need for any new or expanded facilities to meet service needs.[174] In addition, the estimated service ratio of sworn officers to residents is currently 1.3 sworn officers to 1,000 residents.[175, 176] The addition of 300 residents to the population would not substantially decrease this optimum service ratio.[177]

Under CEQA, the need for additional equipment and/or personnel to support police services is not considered a significant impact, unless new facilities would need to be constructed, thereby resulting in physical impacts. The increase in the number of employees and residents at the Project site would be considered minimal compared with the population in the rest of the city. Therefore, the Project would not increase the need for police services or staffing to the extent that new police facilities would need to be constructed, resulting in a ***less-than-significant*** impact.

Schools (Less than Significant)

The BSD uses a student generation rate of 0.2067 students per housing unit for elementary schools and a generation rate of 0.0525 for middle schools.[178] For high schools, the state of California high school student generation rate is 0.2 students per housing unit.[179] Using these student generation rates, the 120 new housing units could result in up to 25 elementary school students, 6 middle school students, and 24 high school students, which is not anticipated to result in a significant impact on either school district.

The Project is subject to SB 50 school impact fees, as established by the Leroy F. Greene School Facilities Act of 1998. These fees support facility maintenance to offset potential impacts from additional use.[180] Section 65996 of the State Government Code notes that payment of the school impact fees established by SB 50, which may be required by any state or local agency, is deemed to constitute full and complete mitigation for school impacts from development. Therefore, impacts related to schools would be ***less than significant***.

Parks (Less than Significant)

The closest public parks to the Project site are Village Park and Ray Park, which are 0.6 mile and 0.7 mile from the Project site, respectively. As explained in more detail in Section 4.3.16, *Recreation*, a significant increase in the use of public parks, recreational facilities, or other public facilities is not anticipated after Project buildout. Furthermore, substantial adverse physical impacts that would require the provision of new or physically altered park facilities after Project buildout would not occur. Because the Project would not trigger the need for new park facilities, the impacts would be ***less than significant***.

---

[174] Ibid.

[175] The population of Burlingame in 2020 was estimated to be 30,118 (see Section 4.3.14, *Population and Housing*). The number of sworn officers is 40.

[176] 1.3 sworn officers per 1,000 residents = (40 sworn officers/30,118 [population]) × 1,000 residents.

[177] 1.3 sworn officers per 1,000 residents = [40 sworn officers/(30,118 [population] + 300 [Project population]) × 1,000 residents.

[178] SchoolWorks Inc. 2016. *Level 1 – Developer Fee Justification Study for Burlingame School District.* Available: http://bsd-ca.schoolloop.com/file/1236520987086/1403330967436/5172072493375788958.pdf. Accessed: February 13, 2020.

[179] State Allocation Board Office of Public School Instruction. 2008. *Enrollment Certification/ Projection*. Available: https://www.dgsapps.dgs.ca.gov/OPSC/ab1014/sab50-01instructions.pdf. Accessed: February 13, 2020.

[180] State of California. 1998. *School Facilities Bond Act*. Available: http://www.leginfo.ca.gov/pub/97-98/bill/sen/sb_0001-0050/sb_50_cfa_19980715_154314_sen_floor.html. Accessed: July 29, 2020.

Other Public Facilities (Less than Significant)

The Millbrae Public Library is closest to the Project site; however, it is expected that Project residents, employees, and Project-induced Burlingame residents would also use the Burlingame Public Library's Easton Branch and the Burlingame Public Library's Main Library. The library system is expected to be able to accommodate the increase in the number of library users. Because the Project would not trigger the need for new library facilities, the impacts would be ***less than significant***.

4.3.16 Recreation

4.3.16.1 Environmental Setting

The City of Burlingame Parks and Recreation Department manages 18 recreational facilities citywide, including playgrounds, picnic areas, gardens, athletic facilities, walking trails, and more. Two of these parks are near the Project site. Village Park and Ray Park are the parks nearest to the Project site and are 0.6 mile and 0.7 mile from the Project site, respectively. In addition, the City of Millbrae Recreation Department manages other nearby recreational facilities, including Spur Trail Phase I, which is 0.3 mile from the Project site. It contains a walking trial and a skate park.

The 2040 General Plan identifies the northern portion of the city as an area that needs additional park facilities to support future planned development and associated population growth. In consideration of this need, the City requires new residential development in the northern portion of the city to include green spaces and/or gathering areas that are publicly accessible. [181] Per Chapter 25.40.030 of the Municipal Code, NBMU zoning standards require the Project to provide a minimum of 100 square feet of private, common, or combined open space for each dwelling unit, with at least 10 percent of the development site consisting of landscaping features.

4.3.16.2 Regulatory Setting

This section summarizes the City's policies and plans related to recreational resources. There are no relevant federal or state regulations for Recreation.

Local

2040 General Plan

The 2040 General Plan contains a Healthy People and Healthy Places Element, which acknowledges the need for the City to maintain and enhance Burlingame's parks and open spaces. The 2040 General Plan includes the following goals and policies applicable to recreation:

- **HP-1.3, Recreation, Parks and Open Spaces:** Provide convenient access to a variety of recreation opportunities, parks, and open spaces for all community members.

[181] City of Burlingame. 2019. *Envision Burlingame General Plan*. Chapter 9: Healthy People and Healthy Places. Available: https://www.burlingame.org/document_center/Planning/General%20and%20Specific%20Plans/BurlingameGP_Adopted_Jan2019_Chapter9%20(Health).pdf. Accessed: July 29, 2020.

- **Goal HP-4**: Provide a diversity of City-owned parks, recreation facilities, natural open spaces, and public gathering places citywide, and ensure that every Burlingame residents lives within one-half mile of such a resource.
- **HP-4.2, Equitable Distribution of Open Spaces:** Ensure all neighborhoods have easy access to park and recreation opportunities within comfortable distance of homes, schools, and businesses.
- **HP-4.4, Potential New Open Spaces:** In concert with development proposals in the North Burlingame and North Rollins Road districts, require plans for publicly accessible plazas and open spaces. Develop guidelines so that these spaces fit within the overall parks and recreation system in Burlingame.

City of Burlingame Parks Master Plan

The City of Burlingame Parks and Recreation Department manages parks and recreation centers within the city's boundaries. The master plan includes the following goals that are relevant to recreation:

- **Goal 1:** Enhance public spaces to make all of Burlingame's parks and recreation facilities a thriving part of a complete park system.
- **Goal 2:** Support healthy people with park facilities and recreation programs that provide opportunities for physical fitness as well as ecological and social connections that promote overall health and well-being.

Burlingame Municipal Code, Title 25, Chapter 25.80

According to the Burlingame Municipal Code (Title 25, *Zoning*, Chapter 25.80, *Public Facilities Impact Fees*), the City determined that in order to provide sufficient funding to achieve the City's goal of maintaining park service levels and providing adequate parks and recreational services and facilities to residents of the city, certain development projects (as outlined in Section 25.80.050, *Computation of Fee*) would be required to pay a parks and recreation development fee or an in-lieu credit fee in order to mitigate the impacts of the development projects on parks and recreational services and facilities within the city.

4.3.16.3 Significance Criteria

CEQA Guidelines Appendix G includes a list of potentially significant project impacts. The Project would have a significant recreation impact if it resulted in any of the following:

- Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.
- Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.

4.3.16.4 Approach to Analysis

Evaluation of the Project is based on considering how residential population growth resulting from implementation of the Project would affect recreational facilities. The analysis also considers whether environmental impacts would result from development of the proposed open space improvements that would be incorporated as part of the Project. According to the CEQA significance criteria, the

Project would have an adverse environmental impact if it were to result in a substantial adverse physical impact associated with the provision of new or physically altered government facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times, or other performance objectives for any public services (e.g., parks).

4.3.16.5 Impact Evaluation

Impact REC-1: The Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. (*Less than Significant*)

As described in Section 4.3.14, *Population and Housing,* the Project is expected to generate approximately 300 new residents in the city. It is expected that some of these residents would use the park and recreational facilities near the Project site. However, per NBMU zoning requirements, the Project would include a combination of common and private open space, totaling 14,918 square feet. The proposed open space would include front and rear yards, a public plaza, a podium, a deck, and private balconies. The Project would exceed the open space requirements for the NBMU zone. It is expected that many residents would use the onsite open space areas for recreational purposes, which would minimize potential Project-related effects on park facility service ratios. Through compliance with NBMU zoning requirements pertaining to the development of open space, the potential for park facility deterioration resulting from the increased population at the Project site would be reduced. Therefore, impacts would be ***less than significant***.

Impact REC-2: The Project would not include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment. (*Less than Significant*)

The Project would include onsite open space facilities, including both private balconies and shared, publicly accessible open space areas. Shared open space areas would include the public plaza, front and rear yards on the ground floor, the podium on the second floor, the deck on the third floor, and landscaped areas. The public and private open space areas would serve as recreational areas for many current and future residents at the Project site. Construction of these new private and public recreational open spaces would not have an adverse physical impact on the environment. Furthermore, although the Project would add residents to the area, the Project would not trigger the need for construction or expansion of parks or other recreational facilities. Therefore, the Project would have a ***less-than-significant*** impact related to an adverse physical effect on the environment due to the construction or expansion of recreational facilities.

4.3.17 Transportation

4.3.17.1 Environmental Setting

Existing Roadway Conditions

Regional access to the Project site is provided via U.S. 101. Local access to the site is provided on State Route 82, Millbrae Avenue, Trousdale Drive, Murchison Drive, and Ogden Drive. These roadways are described below. Although all streets in the study area run at a diagonal compared to the ordinal directions, for the purposes of this study, U.S. 101 and all parallel streets are considered to run north–south, and cross streets are considered to run east–west.

- **U.S. 101:** U.S. 101 is a north–south, eight-lane freeway in the vicinity of the site. U.S. 101 extends northward through San Francisco and southward through San Jose. Access to and from the Project study area is provided via a full interchange at Millbrae Avenue.
- **El Camino Real (State Route 82):** El Camino Real is a north–south arterial that extends northward to San Francisco, and southward to San Jose. In the Project vicinity, El Camino Real has six lanes north of Dufferin Avenue, with left turn lanes at signalized intersections. South of Dufferin Avenue, El Camino Real is narrowed to four lanes. The posted speed limit in the project area is 35 mph. In the Project area, El Camino Real provides frontage roads between Murchison Drive and Dufferin Avenue. A continuous northbound frontage road extends between Murchison Drive and Dufferin Avenue. A southbound frontage road extends between Murchison Drive and Trousdale Drive. Sidewalks are present along the east side of the northbound frontage road, the west side of the southbound frontage road, and at the signalized intersections in the project area. Sidewalks also exist on both sides of El Camino Real, north of Murchison Drive. On-street parking is prohibited on both sides of El Camino Real, but permitted on both sides of the southern frontage road and along the east side of the northern frontage road. El Camino Real provides access to the project via its intersections with Murchison Drive and Trousdale Drive.
- **Millbrae Avenue:** Millbrae Avenue is an east–west arterial that extends westward from Old Bayshore Highway to Vallejo Drive and I-280, where it terminates. Millbrae Avenue connects the western residential areas of the city of Millbrae to the regional roadways, El Camino Real and U.S. 101. Millbrae has six lanes between El Camino Real and U.S. 101, with a median that provides left-turn pockets at the major intersections. The posted speed limit in the project area is 35 mph. Although there are sidewalks on both sides of Millbrae Avenue, the sidewalk on the north side terminates at the Chevron gas station, located just east of Millbrae Station. Access to the Project site from Millbrae Avenue is provided via El Camino Real.
- **Trousdale Drive:** Trousdale Drive is an east–west arterial that extends westward from California Drive to I-280. Trousdale Drive has four lanes west of El Camino Real and two lanes east of El Camino Real. The posted speed limit on Trousdale Drive west of El Camino Real is 35 mph. There are sidewalks on both sides of the street and on-street parking is permitted on both sides of the street between El Camino Real and California Drive. Trousdale Drive provides access to the project via its intersection with Ogden Drive.
- **Murchison Drive:** Murchison is an east–west collector street that extends from California Drive to Vallejo Drive near Mills Estates, where it transitions into Hunt Drive. Murchison Drive has two lanes west of El Camino Real and four lanes east of El Camino Real. There are sidewalks on both sides of the street and on street parking is permitted on both sides of the street. Murchison Drive provides access to the project via its intersection with Ogden Drive.
- **Ogden Drive:** Ogden Drive is a north–south local road between Murchison Drive and Trousdale Drive. Ogden Drive has two lanes. There are sidewalks along both sides of the street. Overnight street parking along the west side of the street between 2:00 a.m. and 6:00 a.m. is prohibited to those without a permit. Ogden Drive provides direct access to the site via a new full-access driveway.

Pedestrian Facilities

Pedestrian facilities in the Project study area consist of sidewalks, crosswalks, and pedestrian signals at signalized intersections. In the vicinity of the Project site, sidewalks exist along both sides of Ogden Drive, Murchison Drive, Trousdale Drive, and El Camino Real north of Murchison Drive,

along the west side of the southern El Camino Real frontage road, and along the east side of the northern El Camino Real frontage road. Crosswalks with pedestrian signal heads and push buttons are provided on the east, south, and west legs of the El Camino Real/Trousdale Drive intersection and all approaches of the El Camino Real/Murchison Drive and El Camino Real/Millbrae Avenue intersections within walking distance of the site. Within a typical walking distance (a half mile or 10 minutes), continuous pedestrian facilities are present between the site and the surrounding land uses, including the Millbrae Station and bus stops in the area.

Pedestrian Facilities

Bicycle facilities in the vicinity of the Project site include bike/pedestrian paths, bike lanes, and bike routes. Bike/pedestrian paths (Class I facilities) are off-street paths with exclusive right-of-way for nonmotorized transportation used for commuting as well as recreation. Bike lanes (Class II facilities) are lanes on roadways designated for use by bicycles with special lane markings, pavement legends, and signage. Bike routes (Class III) are existing rights-of-way that accommodate bicycles but are not separate from the existing travel lanes. The existing bicycle facilities within the study area are described below and are shown on Figure 3 of Appendix B.

- **North–South:** North-south bicycle connections consist of a bike lane/bike route along California Drive, from Broadway to Linden Avenue (north of Millbrae Avenue) where bicycle riders can access the Millbrae Station. Closer to the Project site, there are bike lanes on both sides of California Drive between Broadway and Murchison Drive, which transitions into bike routes between Murchison Drive and Linden Avenue. A bike route also exists on El Camino Real, north of Millbrae Avenue.
- **East–West:** East–west bicycle connections in the study area consist of designated bike routes on Trousdale Drive between Magnolia Avenue and Ashton Avenue and Rosedale Avenue/Ray Drive between California Drive and Devereux Drive. The Spur Trail bike path exists between South Ashton Avenue (at Mosta Grove Park) and Magnolia Avenue (behind Mills High School).

Public Transit Services

Existing public transit services in the study area are provided by the SamTrans, San Mateo County's Transportation Demand Management Agency (commute.org), Caltrain, and Bay Area Rapid Transit (BART). SamTrans operates bus services in San Mateo County; commute.org provides free fixed-route shuttle services between the Caltrain/BART stations and corporate campuses or major employment areas during weekday commute hours; Caltrain provides commuter rail service along the San Francisco Peninsula, through the South Bay to San Jose and Gilroy; BART provides commuter rail service between the San Francisco Peninsula, Berkeley, Oakland, Fremont, Walnut Creek, Dublin/Pleasanton, and other cities in the East Bay.

The nearest bus stop is located on Trousdale Drive at Magnolia Avenue, approximately 1,450 feet from the Project site, and is served by SamTrans Route 46 on school days, during school start and end hours. The next closest bus stops are located on El Camino Real at the Murchison Drive intersection, approximately 1,560 to 1,770 feet from the project site, which is served by SamTrans Routes ECR and 397 in both directions, and SamTrans Route SFO traveling northbound. The Project site is also within walking distance of the Millbrae Multimodal Transit Center (Millbrae Station). The station is served by Caltrain baby bullet, limited, and local lines, BART Richmond-Millbrae line (Red) and Millbrae-SFO-Antioch line (Purple/Yellow), three SamTrans bus routes (ECR, 38, 397, SFO), three shuttle routes (NB, BAY, NFC) operated by commute.org, and one shuttle route (MB) operated by Caltrain. The transit

service routes that run through the study area and the bus/shuttle stops near the Project site are summarized in Table 3 and shown on Figure 4 of the Transportation Impact Analysis (Appendix B).

4.3.17.2 Regulatory Setting

This section summarizes City and regional policies and plans related to transportation. There are no relevant federal or state regulations for transportation.

Regional

City/County Association of Governments of San Mateo County

C/CAG, as the Congestion Management Agency for San Mateo County, is required to prepare and adopt a CMP on a biennial basis. The purpose of the CMP is to identify strategies to respond to future transportation needs, develop procedures to alleviate and control congestion, and promote countywide solutions. The CMP is required to be consistent with MTC planning process that includes regional goals, policies, and projects for the Regional Transportation Improvement Program. The 2019 CMP, which is developed to be consistent with MTC's Plan Bay Area 2040, provides updated program information and performance monitoring results for the CMP roadway system.

The C/CAG CMP includes requirements for a level-of-service analysis for a freeway segment when the number of trips added by a project is expected to be greater than 1 percent of the segment's capacity. It also requires a trip reduction analysis be prepared when a project adds 100 or more peak hour trips. The El Camino Real/Millbrae Avenue intersection is the only designated CMP intersection in the Project study area.

Local

2040 General Plan

The 2040 General Plan includes various goals, policies, and guidelines pertaining mobility. In addition to the existing land use designation, as outlined in the 2040 General Plan, numerous policies have been adopted for the purpose of reducing environmental impacts. In particular, the following goals and policies would apply to the Project:

- **Goal M-2**: Ensure Burlingame's streets are comfortable, safe, and attractive for people of all ages and abilities to walk.
- **Goal M-3**: Develop a network of high-quality, convenient, safe, and easy-to-use bicycle facilities to increase the number of people who use bicycles for everyday transportation.
- **Goal M-5**: Implement TDM strategies that reduce overall vehicle trips and encourage the use of transportation modes that reduce VMT and greenhouse gas emissions.
- **Goal M-6**: Create an integrated transportation program that reduces peak-period vehicle trips and vehicle miles traveled.
- **Goal M-7**: Use parking management strategies that promote parking availability, housing affordability, congestion management, and improved air quality.
- **M-7.3: Parking Requirements.** Reduce or eliminate minimum parking requirements and/or implement parking maximums for housing, commercial, office, and other land uses in mixed use areas and in proximity to frequent transit services. Comprehensively examine parking

requirements in the Zoning Code and adjust as needed to respond to evolving vehicle ownership patterns and parking practices.

- **M-7.6: Parking Demand Reductions.** Reduce parking demand through travel options programs such as parking cash-out and other TDM strategies.
- **M-7.4: Parking Facility Design.** Require that the design of parking lots and structures meets urban design objectives and minimizes negative impacts on people walking and biking, on transit users, and on the built environment. Where feasible, design parking structures to be adaptable to other uses in the future to accommodate potential changes in mobility and parking practices.

4.3.17.3 Significance Criteria

The following thresholds of significance are based on Appendix G of the CEQA Guidelines. According to these guidelines, the project would have a significant impact on the environment if it resulted in any of the following:

- Conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, and bicycle and pedestrian facilities.
- Conflict or be inconsistent with CEQA Guidelines Section 15064.3, Subdivision (b).
- Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment).
- Result in inadequate emergency access.

Consistent with the Governor's Office of Planning and Research *Technical Advisory on Evaluating Transportation Impacts in CEQA*,[182] the following thresholds are used to determine if the proposed project would have a significant impact on VMT.

- For residential uses, the project would result in substantial additional VMT if it would exceed existing citywide household VMT per capita minus 15 percent
- For office uses, the project would result in substantial additional VMT if it would exceed the existing citywide VMT per worker minus 15 percent

[182] Governor's Office of Planning and Research. 2018. *Technical Advisory on Evaluating Transportation Impacts in CEQA*. December. Available: http://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf. Accessed: July 30, 2020.

4.3.17.4 Approach to Analysis

A Transportation Impact Analysis (TIA) was prepared by Hexagon Transportation Consultants in June 2020 (see Appendix B). The TIA describes existing and future conditions for transportation with and without the Project. In addition, the TIA includes information on the regional and local roadway networks, pedestrian and transit conditions, and transportation facilities associated with the Project. The Project is expected to generate 400 new daily trips with 13 net AM peak-hour trips and 23 net PM peak-hour trips. The trip estimates account for the trip credits for the existing uses onsite.

4.3.17.5 Impact Evaluation

Impact TRA-1: The Project could conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. (*Less than Significant with Mitigation*)

Construction

Heavy equipment would be transported on and off the site throughout demolition and construction of the Project. The transport of heavy equipment to and from the Project site could cause traffic impacts in the vicinity of the site during construction, which would be a potentially significant impact. In accordance with Mitigation Measure TRA-1, prior to issuance of grading and building permits, the applicant would be required to submit a Traffic Control Plan. With implementation of Mitigation Measure TRA-1, demolition and construction activities associated with the Project would not lead to noticeable congestion in the vicinity of the site or the perception of decreased traffic safety. The impact regarding conflicts with applicable plans during construction would be ***less than significant with mitigation.***

Mitigation Measure TRA-1: Traffic Control Plan

Prior to issuance of grading and building permits, the applicant shall submit a Traffic Control Plan to the City. The requirements of the Traffic Control Plan include, but are not limited to, the following: Truck drivers shall be notified of and required to use the most direct route between the site and U.S. 101, as determined by the City Engineering Department; all site ingress and egress shall occur only at the main driveways to the Project site; specifically designated travel routes for large vehicles shall be monitored and controlled by flaggers; warning signs, indicating frequent truck entry and exit points, shall be posted on adjacent roadways, if requested; and any debris or mud on nearby streets caused by trucks shall be monitored daily, which may require instituting a street cleaning program.

Operation

- **C/CAG CMP:** includes requirements for a level-of-service analysis for a freeway segment when the number of trips added by a project is expected to be greater than 1 percent of the segment's capacity. The number of new trips generated by the Project is expected to be considerably less than the 1 percent threshold for all freeway segments in the area. Therefore, a detailed freeway-segment analysis was not performed. In addition, the CMP requires developments that are estimated to generate 100 or more new peak-hour trips to implement TDM measures (e.g., provide trip credits equal to or greater than a project's net peak-hour trip generation). The Project is expected to generate 400 new daily trips with 13 net AM peak-hour trips and 23 net

PM peak-hour trips. Therefore, no C/CAG trip reduction analysis was prepared. Because of the limited peak trips generated, the Project would be consistent with the CMP, and the impact associated with conflicts with the CMP would be ***less than significant.***

- **Transit:** The 2040 General Plan has a goal to improve transit access, frequency, connectivity, and amenities to increase transit ridership and convenience.[183] The Project is also 1,560 feet from the bus stop for SamTrans Route ECR. The Project would promote continued use of public transit facilities/services and add two to four new transit riders during peak-hour transit trips. It is assumed that the bus and transit services at the Millbrae Multimodal Transit Center would have adequate capacity and would be able to accommodate this minor increase in ridership. The Project would request approval of a loading zone in front of the subject property along Ogden Drive to allow for a dedicated rideshare pick-up and drop-off zone. The Project would not interfere with any existing bus route and would not remove or relocate any existing bus stops. Therefore, the Project's impact on transit services would be ***less than significant***, and the Project would be consistent with goals identified by the City.
- **Bicycle Facilities.** The 2040 General Plan has a goal to develop a network of high-quality, convenient, safe, and easy-to-use bicycle facilities to increase the number of people who use bicycles for everyday transportation.[184] The City Bicycle Transportation Plan has goals to improve existing bicycle routes, promote safe bicycle travel, and establish new connections.[185] Currently, there are bicycle facilities in the immediate vicinity of the Project site. Specifically, there is a bike route on Trousdale Drive, which can connect to the bike lane on California Drive and lead to the Millbrae Station. There are some planned additional bicycle facilities in the study area, including a bike route along Millbrae Avenue between Old Bayshore Highway and California Drive. Although the Project could add additional bicycle trips, bicyclists would be able to use existing or planned facilities. Therefore, the Project's impact on bicycle facilities would be ***less than significant***, and the Project would be consistent with goals identified by the City.
- **Pedestrian Facilities:** The 2040 General Plan has a goal to ensure that Burlingame's streets are comfortable, safe, and attractive for people of all ages and abilities to walk.[186] Pedestrian facilities in the study area consist of sidewalks, crosswalks, and signals at signalized intersections. The Project proposes sidewalks of approximately 9.5 feet in width along the Ogden Drive and surrounding the site. The Project proposes to improve the frontages with outdoor seating, planters, and trees between the sidewalk and the building. The Project would also include a public plaza that could be used by pedestrians. The frontage would be set back with landscaping and a pedestrian plaza between the building and the sidewalk. Overall, the Project would improve pedestrian facilities at the Project site. Therefore, the Project's impact on pedestrian facilities would be ***less than significant***, and the Project would be consistent with goals identified by the City.

[183] City of Burlingame. 2019. *Envision Burlingame General Plan.* Mobility Element. Available: https://www.burlingame.org/document_center/Planning/General%20and%20Specific%20Plans/BurlingameGP_Adopted_Jan2019_Chapter6%20(Mobility).pdf. Accessed: June 1, 2020.
[184] Ibid.
[185] City of Burlingame. 2004. *Bicycle Transportation Plan.* October 18. Available: https://www.burlingame.org/document_center/Planning/General%20and%20Specific%20Plans/Bicycle%20Transportation%20Plan.pdf. Accessed: June 1, 2020.
[186] City of Burlingame. 2019. *Envision Burlingame General Plan*. Mobility Element. Available: https://www.burlingame.org/document_center/Planning/General%20and%20Specific%20Plans/BurlingameGP_Adopted_Jan2019_Chapter6%20(Mobility).pdf. Accessed: June 1, 2020.

Impact TRA-2: The Project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). (*Less than Significant*)

SB 743, which was codified in Public Resources Code Section 21099, resulted in changes to the CEQA Guidelines. Public Resources Code Section 21099 identifies that VMT as the appropriate metric to measure transportation impacts. Public Resources Code Section 21099 also identifies that LOS or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment. Thus, this analysis focuses on the potential impacts on VMT.

The Project's transportation impact on VMT was evaluated based on the CEQA Guidelines published by Governor's Office of Planning and Research. According to CEQA Guidelines, projects within one-half mile of either an existing major transit stop or a stop along an existing high-quality transit corridor should be presumed to cause a less than significant transportation impact. The project is located within a half mile of bus stops for SamTrans Route ECR along El Camino Real, which is considered a high-quality transit corridor. Therefore, the project is expected to have a ***less-than-significant impact*** on vehicles miles travelled. In addition, the Project would include a TDM Plan (see Appendix B), which is expected to reduce VMT from the Project by promoting use of alternative transportation methods, which would reduce the number of peak hour trips.

Impact TRA-3: The Project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment). (*Less than Significant*)

Chapter 6 of the TIA (Appendix B) provides a review of the Project design, including a review of traffic volume, geometric design, sight distance, and operations. The TIA found that the proposed driveway met the necessary width requirements for a parking area with more than 30 vehicle spaces, by providing a 19-foot-wide driveway, and the necessary inbound stacking space into the driveway. With respect to sight distance, the TIA found that the sight distance (150 feet) for traffic turning from Murchison Drive is adequate. However, because on-street parking is present on Ogden Drive along the Project frontage and adjacent to the new proposed driveway, it could obstruct the vision of exiting drivers from the driveway. The Project would include red curbs next to the Project driveway to avoid issues associated with on-street parking obstructing the vision of exiting drivers. With respect to operations, the TIA found that the maximum queue would not be expected to affect the onsite circulation. In addition, although vehicles turning right into the project site from Ogden Drive may block the travel lane momentarily due to vehicles slowing down to turn into the driveway, this would not have a significant effect on traffic operations. Impacts would be ***less than significant***.

Impact TRA-4: The Project would not result in inadequate emergency access. (*Less than Significant*)

The Project would not change the existing roadway system. The Project site would be easily accessible should emergency vehicles be called to the site. Emergency vehicle access would be provided via El Camino Real, Millbrae Avenue, Trousdale Drive and Murchison Drive, and the proposed driveway on Ogden Drive. Adequate emergency access would be provided from the proposed driveways. No internal site circulation or access issues have been identified that would result in a traffic safety problem or unusual traffic congestion or delay. Therefore, the Project would have a ***less-than-significant*** impact on emergency vehicle access.

4.3.18 Tribal Cultural Resources

4.3.18.1 Environmental Setting

As defined in CEQA Section 21074, tribal cultural resources are sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are listed or determined to be eligible for listing in a national, state, or local register of historical resources. Based on discussions with Native American tribal representatives in San Mateo County, prehistoric archeological resources are presumed to be potential tribal cultural resources. This section also describes impacts on tribal cultural resources that would result from implementation of the project and mitigation for significant impacts where feasible and appropriate.

4.3.18.2 Regulatory Setting

This section summarizes the City's and state's policies and plans related to tribal cultural resources. There are no relevant federal regulations for tribal cultural resources.

State

Archaeological, paleontological, and historical sites are protected under to a variety of state policies and regulations, as enumerated under the Public Resources Code. Tribal cultural resources, which are recognized as nonrenewable resources, receive additional protection under CEQA.

- Public Resources Code Section 5024 requires state agencies to identify and protect state-owned resources that meet the listing criteria of the NRHP, including significant tribal cultural resources. It further specifically requires the California Department of Transportation to inventory state-owned structures in its rights-of-way. Sections 5024(f) and 5024.5 require state agencies to provide notice to and consult with the State Historic Preservation Officer (SHPO) before altering, transferring, relocating, or demolishing state-owned historical resources that are listed or eligible for listing in the NRHP or registered or eligible for registration as California Historical Landmarks.
- Public Resources Code Sections 5097.9–5097.991 provide protection to Native American historical and cultural resources as well as sacred sites and identify the powers and duties of the NAHC. These sections also require notification to descendants of discoveries of Native American human remains and provide for treatment and disposition of human remains and associated grave goods.
- Public Resources Code Section 21084.2 outlines the key points of AB 52 (Chapter 532, Statutes of 2014), which establishes a formal consultation process for California Native American tribes as part of CEQA and equates significant impacts on tribal cultural resources with significant environmental impacts. A more detailed discussion of AB 52 can be found in Section 4.3.5.2.

Local

Burlingame Municipal Code

The Municipal Code outlines the Historic Resource Preservation Program, which includes measures to recognize and preserve historical resources in Chapter 21.04*, Historic Resource Preservation* (City of Burlingame 2020). While this chapter focuses on built resources (including buildings, structures, fences, gates, landscaping, trees, walls, parking facilities, and works of art) the City's definition of historical resources is broad enough to include archaeological and tribal cultural resources.

Historical resources are defined in the Burlingame Municipal Code Section 21.04.020 as:

> "improvements, buildings, structures, signs, or other objects of scientific, aesthetic, educational, cultural, architectural, or historical significance to the owner, citizens of the city and the state of California, the Bay Area region, or the nation which may be eligible for local designation for historic preservation by the City pursuant to the provisions of this title."

Chapter 21.04 established procedures related to the preservation of historical resources in the Burlingame Historic Resources Register. The Burlingame Historic Resources Register resulted from a citywide inventory of historic resources in 1982, which identified 28 sites and structures suitable for listing.[187]

Per Chapter 21.04, the Historic Resource Preservation Program applies only to the Burlingame Downtown Specific Plan area, which is generally bounded by Oak Grove Avenue, California Drive, Anita Drive, Peninsula Avenue, and El Camino Real. The subject building at 1868-1870 Ogden Drive is not located in the Burlingame Downtown Specific Plan area.

2040 General Plan

In 2019, the City adopted *Envision Burlingame*, the 2040 General Plan, as an update to its existing general plan. The 2040 General Plan defines "historical resources" as:

> "A general term that refers to buildings, areas, districts, streets, sites, places, structures, outdoor works of art, natural or agricultural features, and other objects having a special historical, cultural, archaeological, architectural, community, or aesthetic value, and are usually 50 years of age or older." (emphasis added)

This definition specifically includes archaeological resources and can be interpreted to include tribal cultural resources under the umbrella term, "cultural resources." The 2040 General Plan includes the following principle and goal related to the protection of historical resources:

Principle 2: Community Character/Urban Forest: Burlingame's physical character is defined by its cherished tree groves and urban forest, distinct neighborhoods and business districts, and historic structures and resources. The City should ensure that these features are respected and enhanced, with streetscape and architectural styles sensitive to long-established forms and features

Goal CC-3: Protect the character and quality of Burlingame's historical buildings, tree groves, open spaces, neighborhoods, and districts.

Goal CC-3 includes sub-goals related to the following: maintaining comprehensive historical resource surveys and investigating opportunities to identify additional historical resources;

[187] City of Burlingame. 1982. *Preliminary Historic Inventory, City of Burlingame*. Prepared for Burlingame Planning Commission review, July 26, 1982.

employing the Secretary of the Interior's Standards during development review involving historical resources; promoting flexible land use standards with regards to rehabilitating historic buildings; designating historic districts; promoting the use of preservation incentives such as the State Historic Building Code, Mills Act, and Federal Rehabilitation Tax Credit; prohibiting the demolition of registered historical resources unless health and safety or feasibility concerns require demolition; and protecting heritage trees. (City of Burlingame 2019: GPP-2, CC-29 to CC-32)

4.3.18.3 Significance Criteria

CEQA Guidelines Appendix G includes a list of potentially significant project impacts. The Project would have a significant tribal cultural resources impact if it resulted in any of the following.

- Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe and that is either of the following:
    - Listed in, or eligible for listing in, the California Register of Historical Resources or a local register of historical resources, as defined in Public Resources Code Section 5020.1(k).
    - A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

4.3.18.4 Approach to Analysis

Native American Consultation

To identify tribal cultural resources within the Project area, the NAHC was contacted on July 16, 2020, and asked to provide a list of California Native American tribes that are geographically affiliated with the Project site. A search of the NAHC's SLF was also requested. On July 17, 2020, the NAHC responded with a list of six individuals for consultation. The search of the SLF was positive, meaning that a tribal cultural resource had been recorded in the vicinity of the Project site. The NAHC recommended ICF contact the Amah Mutsun Tribal Band of Mission San Juan Bautista and the Ohlone Indian Tribe for more information regarding the positive Sacred Lands File search. ICF called Chairperson Irenne Zwierlein of the Amah Mutsun Tribal Band of Mission San Juan Bautista and Andrew Galvan of the Ohlone Indian Tribe on August 3, 2020. To date, neither representative has reached out with additional information regarding the tribal cultural resource found during the SLF search.

On August 4th, 2020, after ICF called to confirm that email would be an acceptable form of communication, emails with letters, containing Project details, a location map, and a request for consultation were sent, as an attachment via email, to the following individuals:

- Irenne Zwierlein, Chairperson – Amah Mutsun Tribal Band of Mission San Juan Bautista
- Tony Cerda, Chairperson – Costanoan Rumsen Carmel Tribe
- Ann Marie Sayers, Chairperson – Indian Canyon Mutsun Band of Costanoan

- Monica Arellano, Vice Chairperson – Muwekma Ohlone Indian Tribe of the San Francisco Bay Area
- Charlene Nijmeh, Chairperson – Muwekma Ohlone Indian Tribe of the San Francisco Bay Area
- Andrew Galvan –Ohlone Indian Tribe

As of public release of this Draft EIR no responses have been received from any of the individuals listed above. No tribal cultural resources or burials have been identified as a result of consultation with the Native American groups the NAHC listed as culturally affiliated with the region The Native American consultation materials are included in Appendix E.

Records Search

Buried precontact archaeological resources have the potential to be considered tribal cultural resources. Therefore, a review of existing literature at the Northwest Information Center (NWIC on February 21, 2020, was conducted to identify all known archaeological resources and human burials within the project area and within approximately 0.5 mile of the Project site, as well as previous cultural resources study coverage of the Project area.

The record search identified 22 studies that were conducted within 0.5 mile of the project site, none of which recorded cultural resources within the Project site or the search radius. No previously recorded archaeological resources have been identified within the project site.

4.3.18.5 Impact Evaluation

Impact TCR-1: The Project could cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe and that is:

a. Listed in, or eligible for listing in, the California Register of Historical Resources or a local register of historical resources, as defined in Public Resources Code Section 5020.1(k) (*Less than Significant with Mitigation*)

A search of the SLF identified tribal cultural resources in the Project area. However, as of the public release of this Draft EIR no tribal cultural resources or burials have been identified as a result of consultation with the Native American groups the NAHC listed as culturally affiliated with the region. The potential also exists for previously undiscovered tribal cultural resources to be encountered during Project demolition or construction work. Buried deposits may be eligible for listing in the CRHR. If such resources were to be destroyed by Project-related activities, the impact would be significant. Implementation of Mitigation Measure CR-3 would require the excavation crew to receive pre-construction archaeological sensitivity training, which would define what archaeological resources are and lay out the protocol for unanticipated archaeological discoveries outlined in Mitigation Measure CR-4. This protocol requires construction work to stop if an archaeological material or feature is encountered during ground-disturbing activities, thereby preventing further disruption and possible damage. The resource would be properly evaluated, and a treatment plan would be developed with Native American stakeholders. Mitigation Measure CR-5 would require construction work to stop if human remains are encountered during ground-disturbing activities and proper procedures regarding notification to be followed, per Section

50977.98 of the Public Resources Code and Section 7050.5 of the State Health and Safety Code. Implementation of Mitigation Measures CR-3, CR-4, and CR-5 would ensure that any previously undiscovered tribal cultural resources would be properly treated if found during construction. Therefore, this impact on tribal cultural resources would be ***less than significant with mitigation.***

b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe (*Less than Significant with Mitigation*)

As stated previously, although the NAHC identified sacred lands in the vicinity of the Project site, no previously recorded archaeological resources from within the Project site were identified during the records search at the NWIC. Five precontact archaeological sites were identified within 0.5-mile of the Project site. In addition, no tribal cultural resources were identified during consultation with California Native American tribes. However, the potential still exists for encountering as-yet undocumented archaeological resources that could be considered significant by California Native American tribes during Project-related construction activities. Therefore, the impact on these resources would be potentially significant. As described previously, implementation of Mitigation Measures CR-3, CR-4, and CR-5 would mitigate potential impacts on as-yet undocumented resources and human burials. Therefore, the impact on such resources, which could be considered significant by California Native American tribes (per Public Resources Code Section 5024.1), would be ***less than significant with mitigation.***

4.3.19 Utilities and Service Systems

4.3.19.1 Environmental Setting

Water

The City purchases all of its potable water from the SFPUC RWS. Approximately 85 percent of the SFPUC RWS water supply originates in the Hetch Hetchy watershed in Yosemite National Park, then flows down the Tuolumne River to Hetch Hetchy Reservoir.[188] The remaining 15 percent of the SFPUC RWS water supply originates locally in the Alameda and Peninsula watershed. This water is stored in six different reservoirs in Alameda and San Mateo Counties.[189] According to the City 2015 Urban Water Management Plan (UWMP), Burlingame's average water demand between 2011 and 2015 totaled 1,458 million gallons, which is equivalent to 3.99 million gallons per day (mgd),[190] or 76 percent of the city's allotted 5.23 mgd. Generally, 41 percent of water consumption is from single-family residential uses, 17 percent from multi-family residential uses, 13 percent from industrial uses, 12 percent from commercial uses, 5 percent from irrigation uses, and 5 percent from institutional uses.[191]

[188] Erler & Kalinowski, Inc. 2016. *2015 Urban Water Management Plan for the City of Burlingame*. Available: https://www.burlingame.org/document_center/Water/2015%20Urban%20Water%20Management%20Plan.pdf. Accessed: February 13, 2020.
[189] Ibid.
[190] Ibid.
[191] Ibid.

Wastewater

The City's Public Works Department services Burlingame's wastewater system. Wastewater flows are carried to a wastewater treatment plant (WWTP) at 1103 Airport Boulevard, which serves the entire city of Burlingame as well as approximately one-third of Hillsborough. The average dry-weather flow of wastewater to the WWTP has remained fairly constant, at approximately 3.0 to 3.5 mgd, which is approximately 55 to 64 percent of the facility's 5.5 mgd capacity.[192]

Stormwater

Under existing conditions, stormwater from the Project site would be conveyed via surface drainage along the gutter line of Ogden Drive to stormwater drains and inlets on Murchinson Drive or Trousdale Drive.[193] Stormwater from Burlingame's stormwater system drains into San Francisco Bay. Therefore, it is subject to the requirements of the Clean Water Act of 1972, which prohibits the discharge of stormwater into waters of the United States, unless the discharge is in compliance with a NPDES permit, as described in detail in Section 4.3.10, *Hydrology and Water Quality*.

Solid Waste

The city is within the service area of RethinkWaste, also known as the South Bayside Waste Management Authority. The City of Burlingame, as well as the Cities of Atherton, Belmont, East Palo Alto, Foster City, Hillsborough, Menlo Park, Redwood City, San Carlos, and San Mateo; the County of San Mateo; and the West Bay Sanitary District form the Joint Powers Authority (JPA) for Rethink Waste. Recology San Mateo County provides recycling, composting, and garbage collection services for residents and businesses in the RethinkWaste service area. Recyclables and organic solid waste are taken by Recology trucks to the Shoreway Environmental Center in San Carlos for sorting. The Shoreway Environmental Center is owned by RethinkWaste and operated by South Bay Recycling on behalf of RethinkWaste. Solid waste and recyclables received at the Shoreway Environmental Center are processed and sent to the appropriate facility, including the Corinda Los Trancos Landfill (also known as Ox Mountain Landfill), which is in Half Moon Bay. This landfill had a maximum permitted capacity of 60,500,000 cubic yards and, as of December 31, 2015, a remaining capacity of 22,180,000 cubic yards. The Corinda Los Trancos Landfill has an estimated closure date of 2034 and has a permitted throughput capacity of 3,598 tons per day.[194]

Electric Power, Natural Gas, and Telecommunications Facilities

PG&E's natural gas (methane) delivery system includes approximately 42,000 miles of distribution pipelines and 6,700 miles of transmission pipelines. Gas delivered by PG&E originates in gas fields in California, the Southwest, the Rocky Mountains, and Canada. Transportation pipelines send natural gas from fields and storage facilities in large pipes while

[192] Ibid.
[193] City of Burlingame. 2020. *Municipal Separate Storm Sewer System*. Available: http://bgmaps.maps.arcgis.com/apps/webappviewer/index.html?id=8f4f7accd3054ba5a4fde951fc45b601. Accessed: July 30, 2020.
[194] California Department of Resources Recycling and Recovery. 2019. *Facility/Site Summary Details: Corinda Los Trancos Landfill (Ox Mtn) (41-AA-0002).* Available: https://www2.calrecycle.ca.gov/SWFacilities/ Directory/41-AA-0002/Detail. Accessed: February 13, 2020.

under high pressure. The smaller distribution pipelines deliver gas to individual businesses or residences. PG&E gas transmission pipeline systems serve approximately 15 million customers in California. The system is operated under an inspection-and-monitoring program in real time on a 24-hour basis. The program provides leak inspections, surveys, and patrols of the pipelines.[195]

Numerous telecommunications providers serve Burlingame and provide access to infrastructure for broadband, fiber optic, wireless, and emerging technologies. AT&T, Xfinity from Comcast, Wave Broadband, Sonic, and others provide telecommunication and cable television services to residents and businesses in the city. The Project site receives services from mainly AT&T and Xfinity from Comcast.[196]

4.3.19.2 Regulatory Setting

This section summarizes the City's policies and plans related to utilities and service systems and state regulations that would apply for the Project. There are no relevant federal regulations for utilities and service systems.

State

Assembly Bill 939 and Senate Bill 1016

The California Integrated Waste Management Act of 1989, or AB 939, established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated that local jurisdictions divert at least 50 percent of all solid waste (from 1990 levels), beginning January 1, 2000, and divert at least 75 percent by 2010. In 2006, SB 1016 updated the requirements. The new per capita disposal and goal measurement system moves the emphasis from an estimated diversion measurement number to an actual disposal measurement number, along with an evaluation of program implementation efforts. These two factors will help determine each jurisdiction's progress toward achieving AB 939 diversion goals. The 50 percent diversion requirement is now measured in terms of per capita disposal, expressed as pounds per day. Under the SB 1016 measurement system, a city is required to annually dispose of an amount equal to or less than its "50 percent equivalent per capita disposal target," as calculated by the California Department of Resources Recycling and Recovery (CalRecycle).

Sustainable Groundwater Management Act

The Sustainable Groundwater Management Act of 2014 (SGMA) is a comprehensive three-bill package that Governor Jerry Brown signed into California state law in September 2014. The Sustainable Groundwater Management Act provides a framework for sustainable management of groundwater supplies by local authorities, with a limited role for state intervention only if necessary to protect the resource. The plan is intended to ensure a reliable groundwater water supply for California for years to come. SGMA requires the formation of local Groundwater Sustainability Agencies**Error! Bookmark not defined.**, which are required to adopt groundwater sustainability plans (GSPs) to manage the sustainability of groundwater basins. The adoption of a GSP is required for all high- and medium-priority basins as identified by the Department of Water Resources or submit an alternative to a GSP. SGMA also requires governments and water agencies

[195] Pacific Gas & Electric. 2020. *Learn about the PG&E Natural Gas System*. Available: https://www.pge.com/en_US/safety/how-the-system-works/natural-gas-system-overview/natural-gas-system-overview.page. Accessed: July 30, 2020.
[196] BroadbandNow. 2020. *Internet Service Providers in Burlingame, California.* Available: https://broadbandnow.com/California/Burlingame?zip=94010. Accessed: July 30, 2020.

of high and medium priority basins to halt overdraft and bring groundwater basins into balanced levels of pumping and recharge.

Urban Water Management Planning Act

The Urban Water Management Planning Act requires every public and private urban water supplier that directly or indirectly provides water for municipal purposes to prepare and adopt a UWMP. This plan is required to be updated every five years, in years ending with "0" or "5." The UWMP must include a description of the reliability of the water supply and vulnerability to seasonal or climatic shortage (to the extent practicable) and provide data for average, single-dry, and multiple-dry water years as well as an urban water shortage contingency analysis.

The last UWMP for the city of Burlingame was prepared in 2015, providing information about the district's historical and projected water demands, water supplies, supply reliability and vulnerability, water shortage contingency planning, and demand management programs. The plan is used as a long-range planning document by the City for water supply and system planning.

NPDES Permits

Refer to Section 4.3.10, *Hydrology and Water Quality*, of this Draft EIR, for a discussion of the NPDES permit applicable to the proposed project.

Local

2040 General Plan

The 2040 General Plan contains a Community Character Element, which outlines policies related to utilities and service systems. In addition, the 2040 General Plan contains an Infrastructure Element, which provides goals and policies that focus on the efficient and reliable provision of utilities and infrastructure. The 2040 General Plan includes the following policy applicable to utilities and service systems:

- **Goal CC-1:** Incorporate sustainable practices in all development decisions.
- **CC-1.6: Water Conservation.** Promote water conservation by encouraging and incentivizing property owners to incorporate drought-tolerant landscaping, "smart" irrigation systems, water-efficient appliances, and recycled water systems. Continue to enforce the water-efficient landscaping ordinance. Encourage recycling and reuse of graywater in new buildings.
- **Goal IF-1:** Ensure the provision of adequate, efficient and sustainable municipal operations to ensure long-term, high-quality utility services for Burlingame residents, institutions, and businesses.
- **IF-1.2: Development Fair Share.** Ensure, through a combination of improvement fees and other funding mechanisms, that new development pays its fair share of providing new public facilities and services and/or the costs of expanding/upgrading existing facilities and services impacted by new development.
- **Goal IF-2:** Ensure the long-term availability of water through conservation methods and regular maintenance and improvements to the overall water supply delivery system.

- **IF-2.3: New Development.** Ensure long-term water supply capacity prior to granting building permits for new development. Require that new development projects fund the full cost of upgrading water storage and supply infrastructure to meet their specific needs.
- **IF-2.5: Urban Water Management Plan.** Prepare, maintain and implement an Urban Water Management Plan, including water conservation strategies and programs, as required by the State's Water Management Planning Act.
- **Goal IF-3:** Provide sufficient wastewater collection and disposal infrastructure to meet current and future community needs.
- **IF-3.6: Service to New Development.** Ensure that adequate wastewater collection and treatment services for all new development are available before developments are approved. Require new development projects to fund the full cost of upgrading sewage collection and treatment infrastructure to meet their specific needs.
- **Goal IF-4:** Protect people and property from the adverse effects of flooding through a stormwater system that adequately moves runoff from existing and future development, prevents property damage due to flooding, and improves environmental quality.
- **IF-4.4: Green Stormwater Infrastructure.** Plan for and implement LID retrofits, such as green infrastructure which uses vegetation and soil to capture, treat, and retain stormwater runoff. Promote the use of pervious surfaces, green streets, and rainwater harvesting to achieve multiple benefits, such as creating open space, improving stormwater quality, and increasing groundwater recharge. Avoid or minimize the impact of stormwater discharges on local receiving waters, including San Francisco Bay.
- **Goal IF-5:** Achieve waste reduction goals in excess of state mandates.
- **IF-5.5: Construction Waste Recycling.** Require demolition, remodeling, and major new development projects including salvaging or recycling asphalt and concrete and all other non-hazardous construction and demolition materials to the maximum extent possible.
- **Goal IF-6:** Ensure the provision of adequate and safe gas and electric services to Burlingame residents and businesses, and that energy facilities are constructed in a fashion that minimizes their impacts on surrounding development and maximizes efficiency.
- **Goal IF-7:** Install state-of-the-art technology telecommunications infrastructure to support Burlingame residents, businesses, institutions, and public agencies.

4.3.19.3 Significance Criteria

CEQA Guidelines Appendix G includes a list of potentially significant project impacts. The Project would have a significant utilities impact if it resulted in any of the following:

- Require or result in the relocation or construction of new or expanded water, wastewater treatment, or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.
- Have sufficient water supplies available to serve the project and reasonably foreseeable future development during dry and multiple dry years.
- Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

- Generate solid waste in excess of state or local standards or in excess of the capacity of local infrastructure or otherwise impair the attainment of solid waste reduction goals.
- Comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

4.3.19.4 Approach to Analysis

Evaluation of the Project is based on utilities demand and generation rates provided by City documents, such as the UWMP. The estimate of solid waste that would be generated by the Project is based on generation rates provided by CalRecycle.

4.3.19.5 Impact Evaluation

Impact UT-1: The Project would not require or result in the relocation or construction of new or expanded water, wastewater treatment, or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. (*Less than Significant*)

Water and Wastewater Facilities

As described in more detail in Impact UT-2 and UT-3, below, the increased water and wastewater treatment demand, could be served by the existing water supply and remaining capacity of the WWTP. The Project would not require relocation or construction of new or expanded water or wastewater treatment facilities because there is adequate water and wastewater treatment capacity available to serve the Project.

Water (domestic and fire suppression) needs may trigger the requirement to upsize the existing water main on Ogden Drive to support this Project. The Project applicant would be required to make this upgrade if required by the Water Department. In addition, the Project would connect to the existing sewer main on Ogden Drive. If the Project contribution exceeds the existing pipe capacity, the Project applicant would be required to upsize or pay an in-lieu fee for their pro rata share of contribution to the system into the City's Sewer Capital Improvement Program. If upgrades to the existing water and sewer mains are required to accommodate the Project, these updates would be minor in nature, would be located in the same area that has been analyzed in this EIR, and would not exceed any of the impacts already identified here. As such, these potential upgrades would not cause significant environmental effects and the impacts would be ***less than significant***.

Stormwater

As described in Section 4.3.10, *Hydrology and Water Quality*, the overall amount of stormwater that would be discharged with implementation of the Project would be similar to what is currently discharged. The Project would include bio-retention flow through planters and pervious areas to collect stormwater runoff. In addition, the Project would be required to adhere to the MRP. No new stormwater drainage facilities, other than those included in the Project design, would be required. Because new stormwater drainage facilities would be incorporated into the design of the Project, any impacts associated with new stormwater drainage facilities for the Project would be covered in this document. Therefore, impacts associated with new stormwater drainage facilities would be ***less than significant***.

Electric Power, Natural Gas, and Telecommunications Facilities

Operation of the Project is not anticipated to result in the construction or expansion of electric power, natural gas, or telecommunications facilities. Existing electric, gas, and telecommunications lines in the vicinity of the Project site would serve the Project. However, they may be upgraded, if necessary, to meet the needs of the Project.

The installation of new or expanded gas and/or telecommunications lines on the Project site would require excavation, trenching, soil movement, and other activities that are typical during the construction of development projects. These construction impacts are discussed in detail in the appropriate topical sections of this document as part of the assessment of overall Project impacts. However, no offsite natural gas facilities or telecommunication lines would need to be constructed or expanded as a result of the Project, resulting in ***less-than-significant*** impacts.

The Project would connect to existing electric and natural gas lines located around the perimeter of the Project site. No new electric power or natural gas lines would need to be installed. The Project site is served by both AT&T and Comcast for internet and other telecommunication services.[197] No new telecommunication lines would need to be installed. For the reasons outlined above, no offsite natural gas facilities would need to be constructed or expanded as a result of the Project and telecommunication lines would not need to be installed, resulting in ***less-than-significant*** impacts.

Impact UT-2: The Project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during dry and multiple dry years. (*Less than Significant*)

As explained previously, the city uses an average of 3.99 mgd of its 5.23 mgd water supply. Burlingame's existing use represents 76 percent of its allotted supply; therefore, 24 percent of the city's water supply is unused. According to the 2015 UWMP, daily residential per capita water use in the city totaled 113 gallons per day (gpd).[198] The confirmed daily per capita water use target for 2020 is 135 gpd.[199] Using 135 gpd as a conservative figure, and assuming a conservative onsite population of 300 persons, daily water demand would total approximately 40,500 gpd, or approximately 0.04 mgd.[200,201] The additional water demand due to the Project represents an increase in daily water use in the city of approximately 0.8 percent. The city's water supply can accommodate the minimal increase in water demand due to the Project. Therefore, adequate water supplies would be available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years and the impact would be ***less than significant***.

[197] California Public Utilities Commission. 2010. *2010 Statewide Telephone Boundary Map: Telephone Exchange Areas of California*. Available: https://www.cpuc.ca.gov/boundarymaps/. Accessed: July 30, 2020.
[198] Erler & Kalinowski, Inc. 2016. *2015 Urban Water Management Plan for the City of Burlingame*. Available: https://www.burlingame.org/document_center/Water/2015%20Urban%20Water%20Management%20Plan.pdf. Accessed: February 13, 2020.
[199] Ibid.
[200] The 40,500 gpd number was calculated using a daily per capita usage rate of 135 gpd for residents. The 135 gpd number was provided in the UWMP (300 new residents × 135 gpd per resident = 40,500 gpd).
[201] 40,500 gpd/1,000,000 gallons = 0.04 mgd.

Impact UT-3: The Project would not result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. (*Less than Significant*)

As described previously, the WWTP treats approximately 3.0 to 3.5 mgd of wastewater, which represents approximately 55 to 64 percent of the facility's 5.5 mgd capacity. Therefore, 36 to 45 percent of the WWTP's capacity remains available to treat wastewater. As discussed above, the Project would demand approximately 40,500 gpd of water; therefore, the Project is expected to generate approximately 40,500 gpd of wastewater, or 0.04 mgd of wastewater. This additional wastewater demand due to the Project represents approximately 2.0 percent of the remaining wastewater treatment capacity (2.0 mgd) at the WWTP.[202] Currently, the remaining wastewater treatment capacity can accommodate the minimal increase in wastewater demand due to the Project. Therefore, the Project's impact would be ***less than significant***.

Impact UT-4: The Project would not generate solid waste in excess of state or local standards or in excess of the capacity of local infrastructure or otherwise impair the attainment of solid waste reduction goals. (*Less than Significant*)

The California Integrated Waste Management Act of 1989 (AB 939) requires municipalities to adopt an integrated waste management plan to establish objectives, policies, and programs related to waste disposal, management, source reduction, and recycling. In addition, SB 1383, passed in 2016, established a target that calls for a 50 percent reduction in organic waste by 2020 and a 75 percent reduction by 2025. As discussed above, the City is part of a regional JPA that manages solid waste collection and recycling services for several cities. The JPA is required to divert waste from landfills to achieve state reduction goals. In 2018, San Mateo County as a whole had a total diversion rate of 50.8 percent because of recycling and composting. The city of Burlingame had a slightly lower diversion rate than the county, with 40.3 percent of waste diverted from landfills.[203]

Construction of the Project would result in demolition waste from parking lot pavement and the building. The Project would be required to comply with the City of Burlingame Construction and Demolition Recycling Ordinance (Chapter 8.17 of the Municipal Code), which requires salvaging or recycling of at least 60 percent of construction-related solid waste. In addition, operation of the Project would most likely increase overall solid waste generation because of the additional residents compared with existing conditions on site (i.e., no existing residents). However, operation of the proposed residential building would be required to meet state and local standards regarding solid waste and recycling. The increase in the amount of solid waste generated would be considered negligible because the landfills that would be used would continue to have ample capacity and would be able to handle the minimal increase.

In 2018, residential uses in the city generated approximately 6.9 pounds per person per day (ppd) of solid waste.[204] Therefore, with a conservative anticipated population of up to 300 residents, the

[202] 2 percent = (0.04 mgd Project wastewater/2.0 mgd remaining capacity) × 100 percent.
[203] Recology San Mateo County. 2019. *Annual Report to the SBWMA for Year 2018*. Available: https://rethinkwaste.org/wp-content/uploads/legacy_media/recology-annual-report-2018.original.pdf. Accessed: July 30, 2020.
[204] California Department of Resources Recycling and Recovery. 2020. *Jurisdiction Per Capita Disposal Rate Trends (Post 2006)*. Jurisdiction: Burlingame. Available: https://www2.calrecycle.ca.gov/LGCentral/AnnualReporting/ReviewReports. Accessed: February 13, 2020.

Project could generate approximately 2,070 ppd (1.0 tons per day) of solid waste in the form of garbage as well as recycling and composting material. Although trash receptacles would be provided in the parking structure, this use is not expected to generate a significant amount of waste. The Shoreway Environmental Center is permitted to receive 3,000 tons of refuse per day.[205] Once collected and sorted at Shoreway, solid waste is transported to Corinda Los Trancos Landfill, which is permitted to receive 3,598 tons per day.[206] Solid waste generated by operation of the Project would represent less than 0.1 percent of the permitted capacity of Shoreway and Corinda Los Trancos Landfill. As such, Shoreway and the Corinda Los Trancos Landfill would have adequate capacity to serve the Project.

The Project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair attainment of solid waste reduction goals. Therefore, impacts from solid waste disposal would be ***less than significant***.

Impact UT-5: The Project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste. (*Less than Significant*)

The Project would develop residential uses, which would not result in the generation of unique types of solid waste that would conflict with existing regulations regarding waste disposal. The Project would be required to comply with the City's solid waste disposal requirements, including recycling programs established under AB 939. As a result, the Project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

The City requires that Recology service the Project with an on-site staging area for bins and carts. Staging of bins and carts are not allowed in the public right-of-way. The Project applicant would be required to work with Recology for a service plan that is acceptable to the City. With these requirements, the impact would be ***less than significant***.

4.3.20 Wildfire

4.3.20.1 Environmental Setting

According to the CAL FIRE, the city, including the Project site, is in a Non-Very High FHSZ.[207] The nearest FHSZ is approximately 1.25 miles west of the Project site, near Interstate 280. In addition, the entire city, including the Project site, is in an LRA, not an SRA.[208] The nearest SRA, also adjacent to Interstate 280, is approximately 1.25 miles west of the Project site.

[205] RethinkWaste. 2020. *About Shoreway.* Available: https://rethinkwaste.org/shoreway-environmental-center/about/. Accessed: February 13, 2020.
[206] California Department of Resources Recycling and Recovery. 2020. *Facility/Site Summary Details: Corinda Los Trancos Landfill (Ox Mtn) (41-AA-0002).* Available: https://www2.calrecycle.ca.gov/SWFacilities/Directory/41-AA-0002/Detail. Accessed: February 13, 2020.
[207] California Department of Forestry and Fire Protection. 2007*. San Mateo County Fire Hazard Severity Zones in SRA.* Available: https://osfm.fire.ca.gov/divisions/wildfire-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/. Accessed: July 27, 2020.
[208] California Department of Forestry and Fire Protection. 2008. *San Mateo County Very High Fire Hazard Severity Zones in LRA as Recommended by CAL FIRE*. Available: https://osfm.fire.ca.gov/divisions/wildfire-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/. Accessed: July 28, 2020.

4.3.20.2 Regulatory Setting

Because the Project site is not in or near an SRA and because the Project is in a Non-Very High FHSZ, any regulations pertaining to wildfire risk within SRAs or areas classified as Very High FHSZ would not apply to the Project.

4.3.20.3 Significance Criteria

CEQA Guidelines Appendix G includes a list of potentially significant project impacts. The Project would have a significant wildfire impact if it were located in or near an SRA or lands classified as Very High FHSZ, and resulted in any of the following:

- Substantially impair an adopted emergency response plan or emergency evacuation plan.
- Due to slope, prevailing winds, or other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.
- Require the installation or maintenance of associated infrastructure, such as roads, fuel breaks, emergency water sources, power lines, or other utilities, that may exacerbate fire risk or that may result in temporary or ongoing impacts on the environment.
- Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

4.3.20.4 Impact Evaluation

The Project site is not located in a Moderate, High, or Very High FHSZ within a SRA. The nearest SRA to the Project site is a Moderate FHSZ approximately 1.25 miles west from the site, adjacent to Interstate 280.[209] The Project site and all surrounding areas are within an LRA, which is not identified as a Moderate, High, or Very High FHSZ.[210] The area surrounding the Project site is generally developed and lacking features that normally elevate wildland fire risks (i.e., dry vegetation, steeply sloped hills, etc.). Because the Project site is not within or near an SRA or Very High FHSZ, there would be ***no impact***, and further analysis is not required.

[209] California Department of Forestry and Fire Protection. 2007. *San Mateo County Fire Hazard Severity Zones in SRA.* Available: https://osfm.fire.ca.gov/divisions/wildfire-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/. Accessed: July 27, 2020.
[210] California Department of Forestry and Fire Protection. 2008. *San Mateo County Very High Fire Hazard Severity Zones in LRA as Recommended by CAL FIRE*. Available: https://osfm.fire.ca.gov/divisions/wildfire-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/. Accessed: July 28, 2020.

Chapter 5
Alternatives

5.1 Introduction

This chapter evaluates alternatives to the 1868 Ogden Drive Project (Project) and examines the potential environmental impacts associated with each alternative. By comparing these alternatives to the Project, the relative environmental advantages and disadvantages of each may be analyzed and weighed. California Environmental Quality Act (CEQA) Guidelines Section 15126.6(a) states that an Environmental Impact Report (EIR) must describe and evaluate a reasonable range of alternatives to a proposed project that would feasibly attain most of the proposed project's basic objectives but would avoid or substantially lessen any identified significant adverse environmental impacts of the proposed project.

The range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those potentially feasible alternatives necessary to foster informed public participation and an informed and reasoned choice by the decision-making body (per CEQA Guidelines Section 15126.6[f]). Therefore, an EIR does not need to address every conceivable alternative or consider infeasible alternatives. CEQA generally defines "feasible" to mean the ability to be accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and legal factors (per CEQA Guidelines Section 15364). The following factors may also be considered:

- Site suitability
- Economic viability
- Availability of infrastructure
- General plan consistency
- Other plans or regulatory limitations
- Jurisdictional boundaries
- Ability of a project's proponent to attain site control (per CEQA Guidelines Section 15126.6[f][1])

An EIR does not need to consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative (per CEQA Guidelines Section 15126.6[f][3]).

Several alternatives to the Project were considered, including the required No-Project Alternative. To determine which of the alternatives should be evaluated in this Draft EIR, each alternative was screened to determine if it would meet most of the objectives of the Project, reduce any of the significant impacts identified in the Draft EIR, and be potentially feasible.

This chapter provides a description of the alternative considered but rejected, followed by an analysis of the No-Project Alternative and the one alternative selected for evaluation, the Full Preservation Alternative.

5.1.1 Project Objectives

The applicant has identified the following objectives for the Project:

- Is compatible with the surrounding land uses.
- Distance to the Millbrae Multimodal Transit Center is walkable.
- Increases density near the El Camino Real and Caltrain transit corridors.
- Provides variety and a choice of housing options by promoting housing opportunities for all.
- Promotes development of housing that is attractive to prospective residents.
- Reduces residential energy use by constructing new housing to California Green Building Code (CALGreen), Part 11 of Title 24, standards.
- Helps meet the housing element objectives in the general plan.

5.1.2 Significant Impact of the Project

The lead agency considered only alternatives that would substantially reduce or avoid the significant impacts of the Project. The significant impacts of the Project are summarized below, inlcuding both impacts that are significant and unavoidable and impacts that would be reduced to a less-than-signficiant level with mitigation.

5.1.2.1 Significant and Unavoidable Impacts

Based on the analysis provided in Chapter 4 of this Draft EIR, the Project would result in one significant and unavoidable impact. The Project would cause a substantial adverse change in the significance of a historical resource, pursuant to Section 15064.5 (see Section 4.2). The Project proposes to demolish the building at 1868–1870 Ogden Drive, which is a California Register of Historical Resources– (CRHR-) eligible historical resource within the Project site. The Project would involve the destruction of all characteristics that qualify the building for inclusion in the CRHR and would be considered a substantial adverse change in the significance of the historical resource, even with the incorporation of Mitigation Measures CR-1 and CR-2. These mitigation measures would partially compensate for impacts associated with the Project through documentation and memorialization of the resource. However, these measures would not be enough to avoid, rectify, reduce, or compensate for the loss of the historical resource at 1868–1870 Ogden Drive. Because demolition of the building would still occur, the impact would remain significant and unavoidable with mitigation.

5.1.2.2 Less than Significant Impacts with Mitigation

The Project would have the following impacts that would require mitigation in order for the impacts to be reduced to a less-than-significant level:

- **Impact AQ-2**: The Project would implement Mitigation Measure AQ-1 to reduce construction-related air quality impacts, related to criteria air pollutants, to a less-than-significant level.
- **Impact AQ-3**: The Project would implement Mitigation Measure AQ-1 and AQ-2 to reduce constructed-related air quality impacts, related to exposing sensitive receptors to pollutants, to a less-than-significant level.

- **Impact BIO-1**: The Project would implement Mitigation Measure BIO-1 and NOI-1 to reduce construction-related impacts on special-status birds and migratory birds to a less-than-significant level.
- **Impact BIO-4**: The Project would implement Mitigation Measure BIO-2 to reduce operational impacts on migratory birds (due to collisions with the building) to a less-than-significant level.
- **Impact CR-2**: The Project would implement Mitigation Measures CR-3 and CR-4 to reduce construction-related impacts on as-yet unknown prehistoric and historic archaeological resources to a less-than-significant level.
- **Impact CR-3**: The Project would implement Mitigation Measure CR-5 to reduce construction-related impacts on undiscovered Native American remains to a less-than-significant level.
- **Impact GEO-6:** The Project would implement Mitigation Measure GEO-1 to reduce construction-related impacts on paleontological resources to a less-than-significant level.
- **Impact NOI-1:** The Project would implement Mitigation Measure NOI-1 to reduce construction-related noise impacts to a less-than-significant level.
- **Impact TRA-1**: The Project would implement Mitigation Measure TRA-1 to reduce traffic-related impacts during construction to a less-than-significant level.
- **Impact TCR-1:** The Project would implement Mitigation Measures CR-3, CR-4, and CR-5 to reduce construction-related impacts on tribal cultural resources to a less-than-significant level.

5.2 Alternatives Considered but Rejected

Section 15126.6(c) of the CEQA Guidelines provides that an EIR should "identify any alternatives that were considered by the lead agency but rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination." The screening process for identifying viable EIR alternatives included consideration of the following criteria:

- Ability to meet the Project objectives
- Potential ability to substantially lessen or avoid environmental effects associated with the proposed Project
- Potential feasibility

The discussion below describes alternatives that were considered during preparation of this Draft EIR and gives the rationale for eliminating the alternatives from detailed consideration. No alternatives were identified in any of the scoping comment letters that were received.

- An alternative that would construct the Project at a different site was considered but rejected. While an alternative location could theoretically preserve the historical building at 1868 Ogden Drive, this alternative would not meet the most basic Project objective, which is to construct a new building at the site at 1868 Ogden Drive. In addition, the Project applicant does not own another site within the NBMU planning area. Thus, this alternative was considered but rejected.
- An alternative that would reduce the height of the building to either 3-, 4-,5-, or 6 floors was considered but rejected. Buildings of this size would still likely result in a significant and unavoidable impact on a historical resource. Because this alternative would reduce the height of

the building would not substantially lessen or avoid the significant impact on a historical resource, this alternative was considered but rejected.

5.3 Alternatives Selected for Further Review

The two alternatives re evaluated in this chapter as listed below.

- Alternative A, No Project Alternative
- Alternative B, Full Preservation Alternative

Under Alternative A, No Project Alternative, existing land uses and site conditions at the Project site would not change. Under Alternative B, Full Preservation Alternative, residential redevelopment would still occur on the Project site but at a reduced size. In addition, the existing CRHR-elgible building on site would be preserved.

Table 5-1 compares the main features and impacts of the proposed Project to those of the alternatives.

Table 5-1. Comparison of Main Features of the Proposed Project to the Alternatives

Feature	Proposed Project	Alternative A, No Project Alternative	Alternative B, Full Preservation Alternative
Proposed uses at the Project site	Seven floors of residential uses	None (one floor of existing office use)	Two floors of residential uses
Building height[a]	Seven stories	One story (existing)	Two stories
Vehicle parking spaces	150	None (existing parking to remain)	None (existing parking to remain)
Residents	281 net new residents	None (existing office building to remain)	58 net new residents
Residential units	120 units	None (existing office building to remain)	24 units

[a] Measured to the top of the parapet. The height to the top of the elevator penthouse is 76 feet.

5.4 Alternative A, No Project Alternative

CEQA Guidelines Section 15126.6(e) requires evaluation of a "no project" alternative, stating "the purpose of describing and analyzing a no-project alternative is to allow decisions-makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project." CEQA Guidelines Section 15126.6(e)(2) requires that the "no project" alternative analysis "discuss the existing conditions… as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and policies and consistent with the available infrastructure and community services." As noted in the CEQA Guidelines, Section 15126.6, an EIR for a "development project on identifiable property" typically analyzes a "no project" alternative to "compare the environmental effects of the property remaining in its existing state against environmental effects that would occur if the project is approved."

5.4.1 Description

Under the No Project Alternative, the existing land uses and site conditions at the Project site would not change. The existing one-story office building on the Project site would remain, as would the existing subterranean parking garage. There would be no tree or vegetation removal. The No Project Alternative would not preclude potential future development of the site with a range of uses that would be permitted under the North Burlingame Mixed-Use (NBMU) land use designation and zoning district.

5.4.2 Ability to Meet Project Objectives

Under the No Project Alternative, the physical environment of the Project site would remain generally unchanged. The No Project Alternative would not substantially increase density near the El Camino Real and Caltrain transit corridors, would not promote housing opportunities, and would not help the City of Burlingame (City) meet the Housing Element objectives in the Envision Burlingame General Plan (2040 General Plan) by maximizing residential density at the site. Therefore, the No Project Alternative would fail to meet the basic Project objectives.

5.4.3 Impacts

The impact analysis below focuses on those impacts that were determined to be significant and unavoidable or less than significant with mitigation under the proposed Project. Less-than-significant impacts are discussed at the end of the impact analysis.

This environmental analysis assumes that the existing structure, subterranean parking garage, and uses on the Project site would not change and that the existing physical conditions, as described in detail for each environmental topic in Chapter 4, *Environmental Setting, Impacts, and Mitigation*, would remain the same. If the No Project Alternative were to be implemented, none of the impacts associated with the proposed Project described in Chapter 4 would occur. However, development and growth would continue within the vicinity of the Project site as reasonably foreseeable future projects are approved, constructed, and occupied. These projects could contribute to cumulative impacts in the vicinity; however, under the No Project Alternative, land use activity on the Project site would not contribute to cumulative impacts beyond the level of existing activities.

5.4.3.1 Significant and Unavoidable Impacts

Under the No Project Alternative, the existing building on the Project site would not be demolished. The Project site would remain in its current condition. The No Project Alternative would have no impact related to historic built resources; for comparison, the proposed Project would result in a significant and unavoidable impact due to demolition of the historic building on the Project site. Implementation of Mitigation Measures CR-1, Prepare and Submit Historical Documentation of 1868–1870 Ogden Drive, and Mitigation Measure CR-2, Develop and Implement an Interpretive Program, would not be required for the No Project Alternative.

5.4.3.2 Less-than-Significant Impacts with Mitation

Air Quality

Under the No Project Alternative, there would be no demolition or construction activities and no new operational sources of pollutants at the Project site. The Project site would remain in its current condition. The No Project Alternative would have no impact related to air quality; for comparison, the proposed Project would result in an air quality impact during construction, which would be reduced to a less-than-significant level with mitigation. Potential air quality impacts that would occur under the proposed Project would not occur under the No Project Alternative; therefore, implementation of Mitigation Measure AQ-1, Implement Bay Area Air Quality Management District Basic Construction Mitigation Measures, and Mitigation Measure AQ-2, Use Tier 4 Equipment, would not be required for the No Project Alternative.

Biological Resources

Under the No Project Alternative, there would be no demolition, construction, or tree/vegetation removal or landscaping on the Project site. The Project site would remain in its current condition. The No Project Alternative would have no impact related to biological resources; in comparison, the proposed Project would result in impacts, which would be reduced to a less-than-significant level with mitigation. Potential biological resource impacts that would occur under the proposed Project would not occur under the No Project Alternative; therefore, implementation of Mitigation Measures BIO-1, Pre-construction Nesting Bird Surveys and Protection Measures, and BIO-2, Implement Bird-Safe Design Standards into Project Buildings and the Lighting Design, would not be required for the No Project Alternative.

Archaeological Resources, Human Remains, and Tribal Cultural Resources

Under the No Project Alternative, there would be no excavation, grading, or demolition at the Project site. The Project site would remain in its current condition. The No Project Alternative would have no impact related archaeological resources, human remains, and tribal cultural resources; in comparison, the proposed Project would result in an impact during construction, which would be reduced to a less-than-significant level with mitigation. Implementation of Mitigation Measures CR-3, Pre-construction Archaeological Sensitivity Training; CR-4, Unanticipated Discovery Protocol; and CR-5, Stop Work If Human Remains Are Encountered during Ground-Disturbing Activities, would not be required for the No Project Alternative.

Paleontological Resources

Under the No Project Alternative, there would be no excavation, grading, or demolition at the Project site. The Project site would remain in its current condition. The No Project Alternative would have no impact related to paleontological resources; in comparison, the proposed Project would result in an impact on paleontological resources during construction, which would be reduced to a less-than-significant level with mitigation. Potential paleontology impacts that would occur under the proposed Project would not occur under the No-Project Alternative; therefore, implementation of Mitigation Measure GEO-1, Stop Work in Case of Discovery of Paleontological Resources, would not be required for the No Project Alternative.

Noise

Under the No Project Alternative, there would be no demolition or construction activities on the Project site and no new operational sources of noise. The Project site would remain in its current condition. Existing sources of noise and vibration on or near the Project site, as well as the major roadways that contribute to noise in the vicinity of the Project site, would remain. The No Project Alternative would have no impact related to noise and vibration; in comparison, the proposed Project would result in a noise impact during construction, which would be reduced to a less-than-significant level with mitigation. Potential noise impacts that would occur under the proposed Project would not occur under the No Project Alternative; therefore, implementation of Mitigation Measure NOI-1, Construction Noise Control Plan, would not be required for the No Project Alternative.

Transportation

Under the No Project Alternative, there would be no changes to transportation on or near the Project site. The Project site would remain in its current condition. Existing traffic conditions would remain. The No Project Alternative would have no impact related to transportation; in comparison, the proposed Project would result in an impact during construction, which would be reduced to a less-than-significant level with mitigation. Potential transportation impacts that would occur under the proposed Project would not occur under the No Project Alternative; therefore, implementation of Mitigation Measures TRA-1 would not be required for the No Project Alternative.

5.4.3.3 Less-than-Significant Impacts

This Draft EIR concludes that the Project would have no impact or a less-than-significant impact on the following analysis areas:

- Aesthetics
- Agricultural and Forest Resources
- Energy
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Mineral Resources
- Population and Housing
- Public Services
- Recreation
- Utilities and Service Systems
- Wildfire

The No Project Alternative would result in no impact related to any of the above-listed environmental topics because the No Project Alternative would result in no changes to current conditions on the Project site.

5.5 Alternative B, Full Preservation Alternative

5.5.1 Description

Under Alternative B, the Full Preservation Alternative, the existing office building would be preserved and a second floor would be added, providing residential uses on the first and second floors. Under Alternative B, gross square footage would be significantly less compared with the proposed Project because the building that would be developed under Alternative B would have only two floors, compared with seven floors under the proposed Project.

The upper story of the building under Alternative B would be set back 30 feet from the front of the existing building. The ground floor of the existing office building would be converted to residential uses. The 14 ground-floor residential units would include six two-bedroom units, three one-bedroom units, and five studio units. The second floor would provide 10 residential units, including four two-bedroom units, three one-bedroom units, and three studio units. There would be a total of 24 residential units on the site. Because of the reduced number of units under this alternative (i.e., 24 compared with 120 under the proposed Project), it is expected that Alternative B would not include any below-market-rate units, compared with six under the proposed Project.

Alternative B would preserve the existing building, in accordance with the *Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings.* Minimal changes would be incorporated while maintaining the modernist style, cube-like massing, front stairs and landing, windows, door patterns, and exterior materials of the existing building. As mentioned above, the second floor of the building would be set back 30 feet from the façade of the ground floor; therefore, it would be only slightly visible from the public right-of-way on Ogden Drive and would not diminish the appearance of the historical building. The second floor would be designed to be architecturally consistent in appearance with the existing building. Under Alternative B, the existing building would look the same as it currently does but with the addition of an upper story.

5.5.2 Ability to Meet Project Objectives

Under Alternative B, Full Preservation Alternative, the same redevelopment would occur at the Project site as under the proposed Project but to a lesser extent. In addition, the CRHR-eligible building on the site would be preserved. The most notable difference between Alternative B and the proposed Project is that Alternative B would involve the construction of 24 residential units in two stories, instead of the 120 residential units in seven stories under the proposed Project. Although Alternative B would meet, or partially meet, the basic Project objectives (refer to Section 5.1.1), it would only partially meet the objective of providing a "variety and choice of housing by promoting housing opportunities for all persons" because it would be less viable, generate fewer residential units, enhance the variety and choice of housing options to a lesser extent, and generate fewer fees than the proposed Project.

5.5.3 Impacts

The impact analysis below focuses on those impacts that were determined to be significant and unavoidable or less than significant with mitigation under the proposed Project. Less-than-significant impacts are discussed at the end of the impact analysis.

5.5.3.1 Significant and Unavoidable Impacts

Alternative B would result in a less-than-significant impact on the existing built historical resource. As such, Alternative B would avoid the significant and unavoidable impact on a historical resource that would occur under the proposed Project.

Alternative B would result in reduced development and full preservation of the CRHR-eligible building on the site. The existing building would remain in its current condition, with only minimal changes incorporated as needed. Therefore, because the CRHR-eligible building would be preserved under this alternative, Mitigation Measures CR-1, Prepare and Submit Historical Documentation of 1868–1870 Ogden Drive, and CR-2, Develop and Implement an Interpretive Program, would not be required. Impacts on built resources due to Alternative B would be less than significant and greatly reduced compared with impacts under the proposed Project, which would create a significant and unavoidable impact.

5.5.3.2 Less-than-Significant Impacts with Mitation

Air Quality

Because of a reduced level of development and full preservation of the existing building on the site, the construction program under Alternative B would result in less demolition and less construction, which would reduce construction-related air quality impacts. Although this would reduce construction-related air quality impacts, it would not eliminate the impacts. Therefore, Mitigation Measure AQ-1, Implement Bay Area Air Quality Management District Basic Construction Mitigation Measures, would apply to Alternative B, and it is likely that Mitigation Measure AQ-2, Use Tier 4 Equipment, would also apply to Alternative B. With implementation of Mitigation Measures AQ-1 and AQ-2, air quality impacts under Alternative B would be less than significant with mitigation and slightly reduced compared with those of the proposed Project.

Biological Resources

Alternative B would involve construction at the Project site but to a lesser extent than construction under the proposed Project. This is because the existing building would be preserved and the amount of new construction would be reduced under this alternative. This alternative would also require slightly less tree and vegetation removal compared with the Project. This would reduce impacts on wildlife species such as migratory birds during construction but would not eliminate the impacts. Therefore, Mitigation Measures BIO-1, Preconstruction Nesting Bird Surveys and Protection Measures, would apply to Alternative B. In addition, the building under Alternative B would not be as tall as the building that would be constructed under the proposed Project. Nonetheless, the potential exists for migratory birds to collide with building; therefore, Mitigation Measure BIO-2, Implement Bird-safe Design Standards into Project Buildings and the Lighting Design, would apply to Alternative B. Alternative B, like the Project, would be required to abide by all conditions specified in the City's Municipal Code, 2040 General Plan, and other applicable federal and state regulations and permits. With implementation of Mitigation Measures BIO-1 and BIO-2, impacts under Alternative B would be less than significant with mitigation and slightly reduced compared with those of the proposed Project.

Archaeological Resources, Human Remains, and Tribal Cultural Resources

Under Alternative B, the slightly reduced development area would require slightly less ground disturbance compared with development under the Project. This would slightly reduce the potential for ground-disturbing activities to unearth previously unknown archaeological resources and tribal cultural resources but would not eliminate the potential impacts. Therefore, Mitigation Measures CR-3, Pre-construction Archaeological Sensitivity Training; CR-4, Unanticipated Discovery Protocol; and CR-5, Stop Work If Human Remains Are Encountered during Ground-disturbing Activities, would apply to Alternative B. With implementation of Mitigation Measures CR-3, CR-4, and CR-5, construction-related impacts on archaeological resources, human remains, and tribal cultural under Alternative B would be less than significant with mitigation and slightly reduced compared with those under the proposed Project.

Paleontological Resources

Alternative B would result in reduced development and full preservation of the existing building on the site; therefore, slightly less ground disturbance would occur compared with the Project. This would slightly reduce the potential for ground-disturbing activities to disturb geologic units with high paleontological sensitivity but would not eliminate the impacts. Therefore, Mitigation Measure GEO-1, Stop Work in Case of Discovery of Paleontological Resources, would apply to Alternative B. With implementation of Mitigation Measure GEO-1, impacts on paleontological resources during construction of Alternative B would be less than significant with mitigation and slightly reduced compared with those under the proposed Project.

Noise

Because of the reduced development and full preservation of the existing building on the site, the construction program under Alternative B would involve less demolition and less construction on the Project site, which would reduce construction noise and vibration. This would slightly reduce construction-related noise and vibration impacts but would not eliminate the impacts. Therefore, Mitigation Measure NOI-1, Construction Noise Control Plan, would apply to Alternative B. During operations under Alternative B, noise from heating, ventilation, and air-conditioning systems as well as mechanical equipment would be similar to noise generated by the proposed Project but slightly less because of the reduced size of the building. In addition, Alternative B would generate fewer vehicle trips, and traffic noise would be less than that generated under the proposed Project. With implementation of Mitigation Measure NOI-1, noise impacts under Alternative B would be less than significant with mitigation and slightly reduced compared with those under the proposed Project.

Transportation

Under Alternative B, substantially fewer trips would be required for construction activities because the building that would be built under Alternative B would be much smaller than the building that would be built under the proposed Project. However, heavy construction equipment would be used to construct the building, which could cause traffic impacts in the vicinity of the Project site during construction, a potentially significant impact. Therefore, Mitigation Measure TRA-1, Traffic Control Plan, would apply to Alternative B. Similar to the proposed Project, with implementation of Mitigation Measure TRA-1 during construction, Alternative B would result in less-than-significant impacts with mitigation.

5.5.3.3 Less-than-Significant Impacts

This Draft EIR concludes that the proposed Project would have no impact or a less-than-significant impact in the following analysis areas:

- Aesthetics
- Agricultural and Forest Resources
- Energy
- Greenhouse Gas Emissions
- Hazards and Hazardous Emissions
- Hydrology and Water Quality
- Land Use
- Mineral Resources
- Population and Housing
- Public Services
- Recreation
- Utilities and Service Systems
- Wildfire

Alternative B would be located at the same location as the proposed Project. Alternative B would require the construction of a second floor, which would be less construction than that proposed by the Project. Nonetheless, the construction and operational impacts of Alternative B for each of the environmental topics noted above would be similar to, or less than, those of the proposed Project.

5.6 Environmentally Superior Alternative

CEQA Guidelines Section 15126.6(e)(2) requires identification of an environmentally superior alternative (i.e., the alternative that has the fewest environmental impacts) from among the other alternatives evaluated if a proposed project has significant impacts that cannot be mitigated to a less-than-significant level. If the No-Project Alternative (i.e., Alternative A) is found to be the environmentally superior alternative, the EIR must identify an environmentally superior alternative from among the other alternatives. Table 5-2 compares the significant and unavoidable impacts of the proposed Project as well as the less-than-significant impacts with mitigation to those of the alternatives. Among the alternatives to the Project, Alternative B would offer a lower level of impact by reducing site-specific impacts. Specifically, Alternative B would require less construction and less ground disturbance, which would reduce impacts related to air quality, biological resources, cultural resources and tribal resources, paleontological resources, noise, and transportation. Most notably, because Alternative B would require full preservation of the CRHR-eligible building on the site, impacts on cultural resources, specifically built resources, would be less than significant compared with the significant and unavoidable impacts under the proposed Project. Therefore, Alternative B is the environmentally superior alternative. Alternative B would also meet more of the Project objectives compared with Alternative A.

Table 5-2. Comparison of Significant Impacts and Less-than-Significant Impacts with Mitigation to Alternatives

Environmental Impacts	Proposed Project	Alternative A, No-Project	Alternative B, Full Preservation
Significant Impacts			
Impact CR-1 (Built Resources): The Project would cause a substantial adverse change in the significance of a historical resource, pursuant to Section 15064.5.	Significant and Unavoidable with Mitigation	No Impact	Less than Significant
Less-than-Significant Impacts with Mitigation			
Impact AQ-2: The Project could result in a cumulatively considerable net increase in any criteria pollutant for which the Project region is classified as a nonattainment area under an applicable federal or state air quality standard.	Less than Significant with Mitigation	No Impact	Less than Significant with Mitigation
Impact AQ-3: The Project could expose sensitive receptors to substantial pollutant concentrations.	Less than Significant with Mitigation	No Impact	Less than Significant with Mitigation
Impact BIO-1: The Project could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.	Less than Significant with Mitigation	No Impact	Less than Significant with Mitigation
Impact BIO-4: The Project could interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	Less than Significant with Mitigation	No Impact	Less than Significant with Mitigation
Impact CR-1 (Archaeological Resources and Human Remains): The Project could cause a substantial adverse change in the significance of an archaeological resource, pursuant to Section 15064.5.	Less than Significant with Mitigation	No Impact	Less than Significant with Mitigation
Impact CR-2 (Archaeological Resources and Human Remains): The Project could disturb any human remains, including those interred outside of formal cemeteries.	Less than Significant with Mitigation	No Impact	Less than Significant with Mitigation
Impact GEO-6: The Project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	Less than Significant with Mitigation	No Impact	Less than Significant with Mitigation
Impact NOI-1: The Project could generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies.	Less than Significant with Mitigation	No Impact	Less than Significant with Mitigation
Impact TRA-1 (Construction): The Project could conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.	Less than Significant with Mitigation	No Impact	Less than Significant with Mitigation

Environmental Impacts	Proposed Project	Alternative A, No-Project	Alternative B, Full Preservation
Impact TCR-1: The Project could cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resource Code Section 21074 as a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe and (a) listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources, as defined in Public Resources Code Section 5020.1(k), or (b) a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1; the lead agency shall consider the significance of the resource to a California Native American tribe.	Less than Significant with Mitigation	No Impact	Less than Significant with Mitigation

Chapter 6
Other CEQA Considerations

This chapter discusses mandatory findings of significance regarding cumulative impacts pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15065(a). This chapter also discusses significant environmental effects that cannot be avoided, as identified in this Draft Environmental Impact Report (EIR); significant irreversible environmental changes, including energy consumption and the consumption of nonrenewable resources; and growth-inducing impacts, pursuant to CEQA Guidelines Section 15126.2.

6.1 Mandatory Findings of Significance

CEQA Guidelines Section 15065(a) requires a finding of significance if a project has the potential to affect the quality of the environment, affect fish or wildlife species, affect historic resources, affect long-term environmental goals, create cumulatively considerable impacts, or create substantial adverse effects on human beings.

6.1.1 Quality of the Environment

CEQA Guidelines Section 15065(a)(1) requires a finding of significance if a project "has the potential to substantially degrade the quality of the environment." In practice, this is the same standard as a significant effect on the environment, which is defined in CEQA Guidelines Section 15382 as "a substantial or potentially substantial adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance."

As described in Chapter 4, *Environmental Setting, Impacts, and Mitigation*, the 1868 Ogden Drive Project (Project) would have no impact or a less-than-significant impact associated with aesthetics, agricultural and forest resources, energy, greenhouse gas emissions, hazards and hazardous materials, hydrology, land use, mineral resources, population and housing, public services, recreation, utilties and service, and wildfire. Environmental impacts associated with air quality, biological resources, archaeological resources, human remains, tribal cultural resources, paleontological resources, noise (during construction), and transportation (during construction) are considered less than significant with mitigation. Impacts related to built resources (e.g., historic resources) are considered significant and unavoidable, as discussed in Section 6.3, *Significant Environmental Effects that Cannot Be Avoided.*

6.1.2 Impacts on Species

CEQA Guidelines Section 15065(a)(1) states that a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to 1) substantially reduce the habitat of a fish or wildlife species, 2) cause a fish or wildlife population to drop below self-sustaining levels, or 3) substantially reduce the number or restrict the range of an endangered, rare, or threatened species.

Section 4.3.4, *Biological Resources,* addresses impacts related to a reduction in fish or wildlife habitat, a reduction in fish or wildlife populations, or a reduction or restriction that would affect the range of special-status species as a result of Project implementation. The Project would have either no impact, a less-than-significant impact, or a less-than-significant impact with mitigation with respect to the potential to substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, eliminate a plant or animal community, or substantially reduce the number or restrict the range of a rare or endangered plant or animal.

6.1.3 Impacts on Historical Resources

CEQA Guidelines Section 15065(a)(1) states that a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to eliminate important examples of a major period of California history or prehistory. CEQA Guidelines Section 15065(a)(1) amplifies Public Resources Code Section 21001(c) by requiring preservation of major periods of California history for the benefit of future generations. It also reflects the provisions of Public Resource Code Section 21084.1 in requiring a finding of significance for substantial adverse changes to historical resources. CEQA Guidelines Section 15064.5 establishes standards for determining the significance of impacts on historical resources and archaeological sites that are historical resources.

Section 4.2, *Cultural Resources (Built Resources),* fully addresses impacts related to California history and historic resources. This Draft EIR notes that the Project would result in a significant and unavoidable impact on a historical resource. As such, the Project would have a significant and unavoidable impact related to eliminating an important example of a major event of California history

Section 4.3.5, *Cultural Resources (Archaeological Resources and Human Remains),* and Section 4.3.18, *Tribal Cultural Resources*, address impacts related to prehistory, archaeological resources, and tribal cultural resources. Section 4.3.7, *Geology and Soils*, addresses impacts related to paleontological resources. The Project would have a less-than-significant impact after mitigation with respect to the potential to eliminate important examples of major periods of California history or prehistory due to impacts related to archaeological resources, human remains, tribal cultural resources, and paleontological resources.

6.1.4 Long-Term Impacts

CEQA Guidelines Section 15065(a)(2) states that a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals. Section 6.3, *Significant Environmental Effects that Cannot Be Avoided*, below, identifies all significant and unavoidable impacts that could occur, thereby creating a long-term impact on the environment. Section 6.4, *Significant Irreversible Environmental Changes*, below, addresses the short-term and irretrievable commitment of natural resources to ensure that the consumption is justified on a long-term basis. Lastly, Section 6.5, *Growth-Inducing Impacts*, identifies any long-term environmental impacts caused by the proposed Project with respect to economic or population growth.

6.1.5 Impacts on Human Beings

CEQA Guidelines Section 15065(a)(4) states that a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly. As described in this Draft EIR, implementation of the Project could result in temporary air quality, greenhouse gas, hazardous materials, and noise impacts during the construction period. Implementation of the mitigation measures recommended in this document would ensure that the Project would not result in environmental effects that would have substantial adverse effects on human beings. Impacts on human beings would be less than significant with mitigation.

6.2 Cumulative Impacts

An EIR is required to examine cumulative impacts. California Code of Regulations Section 15130(a)(1) defines a cumulative impact as an impact that "is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts." The analysis of cumulative impacts need not provide the same level of detail as that for project-specific impacts, but it shall "reflect the severity of the impacts and their likelihood of occurrence" (per California Code of Regulations Section 15130[b]). CEQA Guidelines Section 15065 states that a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects that are individually limited but cumulatively considerable. As defined in CEQA Guidelines Section 15065(a)(3), *cumulatively considerable* means that "the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." The cumulative impacts analysis in an EIR must analyze either a list of past, present, and probable future projects or a summary of projections contained in an adopted general plan or related planning document.

This Draft EIR evaluates cumulative impacts using the City of Burlingame (City) General Plan EIR because the Project is consistent with applicable land use plans and policies.[1] The General Plan EIR is incorporated by reference and available for public review online.[2] Because of current COVID-19 social distancing requirements, including the order from San Mateo County to adhere to the social distancing requirements, the General Plan EIR is available for public review at the City of Burlingame Community Development Department Planning Division at 501 Primrose Road, Burlingame, CA 94010 by appointment only.[3]

The General Plan EIR evaluated future development, as identified in the Envision Burlingame Draft General Plan (2040 General Plan). Chapter 22 of the General Plan EIR concluded that implementation of the 2040 General Plan would result in a less-than-significant impact with respect to cumulative impacts on the following resources: aesthetics; agricultural resources; air quality; biological resources; geology, soils, and minerals; hazards and hazardous materials; hydrology and water quality; land use and planning; noise; population and housing; public services; and utilities.

[1] City of Burlingame. 2019. *Envision Burlingame Draft Environmental Impact Report*. June 28, 2018.

[2] The General Plan EIR is available at https://www.burlingame.org/generalplan.

[3] To schedule an appointment, email Catherine Keylon at ckeylon@burlingame.org.

Given the conclusions in the General Plan EIR; given that the Project, with mitigation, would have a less-than-significant impact on the aforementioned resources; and given that future projects would be required to adhere to federal and state regulations, as well as local regulations identified in the 2040 General Plan, the Project's contribution to impacts on the aforementioned resources would not be singularly or cumulatively considerable.

Chapter 10 of the General Plan EIR includes the cumulative impact analysis of greenhouse gas emissions. The General Plan EIR concluded that implementation of the 2040 General Plan could result in a significant cumulative greenhouse gas impact because the City cannot conclusively demonstrate that implementation of the 2040 General Plan would not generate greenhouse gas emissions that would exceed the City's existing and future greenhouse gas reduction goals. The Project's contribution to global climate change due to greenhouse gas emissions is discussed in Section 4.3.8, *Greenhouse Gas Emissions*. Development of the Project would incorporate applicable Bay Area Air Quality Management District policies and comply with the City's Climate Action Plan. As discussed in Section 4.3.8, *Greenhouse Gas Emissions*, the Project would be consistent with the state's greenhouse gas emissions reduction trajectory. Therefore, the Project's contribution to this cumulative impact would not be cumulatively considerable.

Chapter 18 of the General Plan EIR includes the cumulative transportation impact analysis. The General Plan EIR concluded that implementation of local regulations and 2040 General Plan policies would ensure that cumulative transportation impacts would be less than significant.[4]As discussed in Section 4.3.17, *Transportation,* the Project would result in a less-than-significant impact with respect to vehicle miles traveled, design hazards, and emergency access. In addition, operation of the Project would result in a less-than-significant impact regarding conflicts with applicable plans. Construction of the Project would result in a less-than-significant impact on applicable plans after implementation of mitigation. Given the Project's less-than-significant impacts with mitigation and given that future projects would be required to adhere to local regulations and 2040 General Plan policies, the Project's contribution to cumulative transportation impacts would not be singularly or cumulatively considerable.

Chapter 22 of the General Plan EIR notes that compliance with existing regulations and policies from the 2040 General Plan would not result in a cumulatively considerable contribution to a cumulative impact on cultural resources. Furthermore, the Project would not contribute considerably to a cumulative impact on archaeological resources, human remains, or tribal cultural resources due to implementation of Mitigation Measures CR-3, CR-4, CR-5 and compliance with existing regulations. Although the Project would implement mitigation (Mitigation Measures CR-1 and CR-2) to minimize an impact on a historical resource and comply with policies in the 2040 General Plan, the Project would still result in a significant unavoidable impact. Therefore, the Project would contribute significantly to a potential cumulative impact. This cumulative impact is significant and unavoidable.

[4] The General Plan EIR included a conclusion for level-of-service (LOS) impacts. The LOS conclusion is not considered here because CEQA does not consider impacts on LOS to be an environmental effect.

6.3 Significant Environmental Effects that Cannot Be Avoided

In accordance with CEQA Section 21067 and CEQA Guidelines Sections 15126(b) and 15126.2(b), the purpose of this section is to identify significant environmental impacts that could not be eliminated or reduced to less-than-significant levels by implementation of mitigation measures included in the Project.

The Project would result in one significant and unavoidable project-level impact and one cumulatively considerable contribution to a potential cumulative impat on historic resources. No other environmental topics discussed in Chapter 4 would result in significant and unavoidable environmental effects. As described in detail in Section 4.2, *Cultural Resources (Built Resources)*, the significant and unavoidable project-level impact is as follows:

- The Project would cause a substantial adverse change in the significance of a historical resource, pursuant to Section 15064.5. The Project proposes to demolish the building at 1868–1870 Ogden Drive, which is a California Register of Historical Resources– (CRHR-) eligible historical resource within the Project site. The Project would involve the destruction of all the characteristics that qualify the building for inclusion in the CRHR and would be considered a substantial adverse change in the significance of the historical resource, even with the incorporation of Mitigation Measures CR-1 and CR-2. These mitigation measures would partially compensate for impacts associated with the Project through documentation and memorialization of the resource. However, these measures would not be enough to avoid, rectify, reduce, or compensate for the loss of the historical resource at 1868–1870 Ogden Drive. Because demolition of the building would still occur, the impact would remain significant and unavoidable with mitigation.
- As described in Section 6.2, *Cumulative Impacts*, the Project would contribute significantly to a potential cumulative impact on historical resources.

6.4 Significant Irreversible Environmental Changes

In accordance with CEQA Section 21100(b)(2)(B) and CEQA Guidelines Section 15126.2(c), an EIR must identify any significant irreversible environmental changes that could result from implementation of a proposed project. An EIR is required to consider whether "uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or non-use thereafter unlikely" (per CEQA Guidelines Section 15126.2[c]). *Nonrenewable resource* refers to the physical features of the natural environment, such as land, waterways, etc. This may include current or future uses of nonrenewable resources and secondary or growth-inducing impacts that commit future generations to similar uses. According to the CEQA Guidelines, irretrievable commitments of resources should be evaluated to ensure that such current consumption is justified.

Chapter 4, *Environmental Setting, Impacts, and Mitigation*, discusses topics that could be affected by irreversible environmental impacts, such as agricultural and forestry resources, biological resources, cultural resources, energy, hydrology, and population and housing. None of these environmental topics would experience significant impacts as a result of the Project.

No significant irreversible environmental damage related to hazardous materials is anticipated to occur with implementation of the Project. Compliance with federal, state, and local regulations identified in Section 4.3.9, *Hazards and Hazardous Materials*, would ensure that hazardous substances associated with demolition, construction, and operation of the proposed Project would not cause significant and unavoidable environmental damage.

The proposed Project would involve excavation. However, the Project would not substantially raise or lower the existing grade. Grading would not be excessive or greater than what is necessary for the Project.

Construction and implementation of the Project would not result in a large commitment of natural resources, require highway improvements in previously inaccessible areas, or cause irreversible damage due to environmental accidents. No other irreversible permanent changes, such as those that might result from construction of a large-scale mining project, hydroelectric dam, or other industrial project, would result from development of the Project.

Section 21100(b)(3) of CEQA requires EIRs to include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing any inefficient, wasteful, and unnecessary consumption of energy. Implementation of the Project would commit future generations to an irreversible commitment of energy resources in the form of nonrenewable fossil fuels associated with vehicle and equipment use during demolition, construction, and operation of the Project. See Section 4.3.6, *Energy*, for a discussion of the Project's impacts related to electricity, natural gas, and fuel demand for transportation.

Analysis of the consumption of nonrenewable resources considers increased energy consumption, the conversion of agricultural lands to urban uses, and the loss of access to mineral reserves. No agricultural lands would be converted to non-agricultural uses, and no access to mining reserves would be lost with construction of the Project.

Resources consumed during demolition, construction, and operation would include lumber, concrete, gravel, asphalt, masonry materials, metals, and water. Similar to existing uses on the Project site, the Project would irreversibly use water and landfill resources for solid waste. However, the Project would not involve a large commitment of resources relative to existing conditions or relative to supply, nor would it consume any of those resources wastefully.

The Project would replace an existing one-story commercial building on an infill site in an urbanized area that currently has commercial uses with a new residential building. As described in Section 4.3.6, *Energy*, the Project would be required to use energy-efficient building materials and construction practices, in accordance with the Green Building Standards Code (CALGreen) and Chapter 18.30 of the City Municipal Code, which contains CALGreen. The Project would also use modern appliances and equipment, in accordance with the 2006 Appliance Efficiency Regulations (California Code of Regulations Title 20, Sections 1601 through 1608). Furthermore, implementation of the City's Climate Action Plan and compliance with CALGreen, as well as other applicable state and local energy efficiency measures, would result in energy conservation and savings. For these reasons, the Project would reduce the inefficient, wasteful, and unnecessary consumption of energy.

6.5 Growth-Inducing Impacts

As required by CEQA Guidelines Section 15126.2(d), an EIR must consider the ways in which a proposed project could directly or indirectly foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment. Growth-inducing impacts can result from the elimination of obstacles to growth. They can also result from increased stimulation with respect to economic activity that, in turn, generates increased employment or increased demand for housing and public services. Growth-inducing impacts can also result from the implementation of policies or measures that do not effectively minimize premature or unplanned growth.

Growth-inducing impacts, such as those associated with increased employment that might affect housing and retail demand in other areas over an extended time period, are difficult to assess with precision because future economic and population trends may be influenced by unforeseeable events and business development cycles. Moreover, long-term changes in economic and population growth are often regional in scope; they are not influenced solely by changes in policies or specific development projects. Business trends are influenced by economic conditions throughout the state and country as well as around the world.

Growth-inducing potential does not automatically lead to growth. Growth occurs through capital investment by the private and/or public sector in new economic opportunities. Investment patterns reflect the desire of investors to mobilize and allocate their resources to development in particular localities and regions. A combination of these and other pressures serve to fashion policy. The regulatory authority of local governments serves to mediate the growth-inducing potential or pressure created by a project or plan. Despite these limitations on the analysis, it is still possible to qualitatively assess the general potential growth-inducing impacts of the Project.

Chapter 22 of the General Plan EIR notes that no substantial, detrimental growth-inducing effect is expected from the population growth that would occur as a result of implementing the 2040 General Plan. The Project would help implement the North Burlingame Mixed-Use (NBMU) land use designation, which was identified in the 2040 General Plan to create a high-intensity development node within walking distance of the Millbrae Multimodal Transit Center. As summarized in Section 4.3.11, *Land Use*, the Project would be consistent with the NMBU land use designation. Section 4.3.14, *Population and Housing* identifies the population that could be generated by the Project. Although the Project would induce population growh, as summarized in Section 4.3.14, *Population and Housing*, this growth would be considered planned because the growth would be consistent with the City's goal (as documented in the 2040 General Plan) to create a high-intensity development node within walking distance of the Millbrae Multimodal Transit Center. As such, the Project would not result in substantial, detrimental growth-inducing effects.

Chapter 7
Report Preparers

7.1 Lead Agency

City of Burlingame
Community Development Department Planning Division
501 Primrose Road
Burlingame, CA 94010

Catherine Keylon, Senior Planner

7.2 Consulting Team

ICF
201 Mission Street, Suite 1500
San Francisco, CA 94105

Erin Efner, Project Director
Leo Mena, Project Manager
Devan Atteberry, Project Coordinator
Cory Matsui, Air Quality, Greenhouse Gas, Climate Change, and Noise Specialist
Elliott Wezerek, Air Quality, Greenhouse Gas, and Climate Change Specialist
Kirsten Chapman, Environmental Planner
Jennifer Ostner, Environmental Planner
Gretchen Boyce, Historic Preservation Specialist
Jon Rusch, Historic Preservation Specialist
Alex Ryder, Historic Preservation Specialist
Lily Arias, Archaeologist
Yuka Oiwa, Archaeologist
John Conley, Graphic Artist

Hexagon Transportation Consultants, Inc.
4 North Second Street, Suite 400
San Jose, CA 95113

Gary Black, President
Jocelyn Lee, Transportation Engineer

7.3 Project Sponsor Team

Green Banker LLC
398 Primrose Road
Burlingame, CA 94010

Stanley Lo