

Planning Commission Resolution & Exhibits

- Planning Commission Resolution (Proposed)
 - **Exhibit A** – Summary of the Impacts, Mitigation Measures and Improvement Measures
 - **Exhibit B** - Lists the Significant and Unavoidable Impacts, Draft Findings regarding these unavoidable impacts, and draft findings regarding the feasibility of alternatives that could mitigate the significant unavoidable effects.
 - **Exhibit C** - Statement of Overriding Considerations
 - **Exhibit D** - Conditions of Approval for the project, including all of the mitigation measures contained in the Environmental Impact Report.

RESOLUTION RECOMMENDING TO THE CITY COUNCIL CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) AND APPROVAL OF AN APPLICATION FOR DESIGN REVIEW, CONDITIONAL USE PERMIT, CONDOMINIUM PERMIT AND TENTATIVE CONDOMINIUM MAP FOR A NEW 120-UNIT CONDOMINIUM BUILDING AT 1868-1870 OGDEN DRIVE, BURLINGAME.

A. BACKGROUND

RESOLVED, by the Planning Commission of the City of Burlingame that:

WHEREAS, an Environmental Impact Report has been prepared and application has been made for Design Review, Conditional Use Permit, Condominium Permit and Tentative Condominium Map for a new 120-unit Condominium Building at 1868-1870 Ogden Drive, zoned NBMU, Green Banker LLC, property owner, APN: 025-121-190;

WHEREAS, on July 10, 2020, a Notice of Preparation of an Environmental Impact Report (EIR) was submitted to the California Office of Planning and Research (OPR), and OPR notified State agencies of the preparation of the preparation of the EIR and directed that they make comments on the proposed project, in addition, the City of Burlingame sent the Notice of Preparation to local agencies requesting comment; and

WHEREAS, the City retained ICF, an independent CEQA consultant to prepare an EIR; and

WHEREAS, on November 23, 2020, following staff review and comment on the Administrative Draft of the EIR, the City duly noticed the availability and completion of the Draft EIR (DEIR) and the public comment period on the DEIR; and

WHEREAS, a public comment period of forty-nine (49) days was opened from November 23, 2020 to January 11, 2021, during which all written public comments were welcomed; and

WHEREAS, during the public comment period, this Planning Commission held a public hearing on December 14, 2020, to receive any oral or written comments that the public might wish to offer on the DEIR; and

WHEREAS, in response to the comments received during the comment period, the CEQA consultant prepared responses to each of the comments made in the form of a Response to Comments document; and

WHEREAS, on February 12, 2021, the Response to Comments Document was made available to the public; and

WHEREAS, the Final EIR (FEIR), consisting of the Draft EIR and Responses to Comments Document, clearly presents the issues involved in the development of this property and identifies appropriate alternatives as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines (Title 14, Chapter 13 of the California Code of Regulations); and

WHEREAS, the FEIR identifies and analyzes the one significant and unavoidable adverse environmental impact that would occur from development of the Project, as outlined in Exhibits A and B to this Resolution; and

WHEREAS, the FEIR provides this Commission, the City and the public with sufficient and thorough information regarding the potential significant environmental impacts of the Project; and

WHEREAS, the FEIR has been prepared and considered in conformance with CEQA and the CEQA Guidelines, with independent preparation by a City-retained CEQA consultant and application of the independent comment and judgment of both City staff and this Commission; and

WHEREAS, the mitigation measures required by the FEIR have been incorporated into the conditions of approval for the project as outlined in the attached Exhibit D; and

WHEREAS, on February 22, 2021, the Planning Commission conducted a duly noticed public hearing on the FEIR and on the project, at which time it reviewed and considered the staff report and all other written materials and testimony presented at said hearing.

B. CERTIFICATION OF THE FINAL EIR

WHEREAS, the Final EIR (FEIR) outlines the proposed Project, presents the issues involved in the development of this property, analyzes all potentially significant environmental impacts, and identifies appropriate mitigation measures and alternatives as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines (Title 14, Chapter 13 of the California Code of Regulations); and

WHEREAS, the FEIR provides sufficient disclosure of the issues involved as required by CEQA; and

WHEREAS, the extensive public participation in the development of this Final EIR has provided valuable information and analysis, as well as important changes and alterations to the original project; and

WHEREAS, the FEIR addresses the significant potential environmental effects of the project in the areas of: (1) Air Quality, (2) Biological Resources, (3) Archeological/Tribal Cultural Resources, (4) Geology/Soils (paleontological resources), (5) Noise, and (6) Transportation; a summary of the potential environmental impacts and mitigation measures is outlined in Exhibit A to this resolution; and

WHEREAS, the FEIR identifies and analyzes one significant and unavoidable adverse environmental impact related to historical resources, that would occur from development of the Project; this potentially significant and unavoidable adverse impact and findings regarding this impact are outlined in Exhibit B to this resolution; and

WHEREAS, Exhibit B also outlines findings regarding the feasibility of the identified alternatives to the Project that could mitigate the potential significant and unavoidable impact; and

WHEREAS, the proposed Project will provide much needed housing, with 120 new condominium units in the north end of town, near transit and amenities; consistent with the densities and development pattern anticipated in the Housing Element and General Plan, which will benefit the community so it is appropriate to override for the specific reasons noted in the Statement of Overriding Considerations contained in Exhibit C; and

WHEREAS, the FEIR provides this Commission, the City and the public with sufficient and thorough information regarding the potential significant environmental impacts of the project; and

WHEREAS, the FEIR has been prepared and considered in conformance with CEQA and the CEQA Guidelines, with independent preparation by a City-retained CEQA consultant and application of the independent comment and judgment of both City staff and this Commission; and

WHEREAS, the mitigation measures required by the FEIR as described in the attached Exhibit A, have been incorporated into the conditions of approval for the project as outlined in the attached Exhibit D.

C. STATEMENT OF OVERRIDING CONSIDERATIONS

WHEREAS, the Planning Commission has considered the one potentially significant and unavoidable environmental impact identified by the Final Environmental Impact Report (FEIR) and the mitigation measures proposed by both the City and the applicant; and

WHEREAS, the Project will include the installation of a historical marker within the public plaza along Ogden Drive that will provide documentation and interpretation regarding the historical significance of the building at 1868–1870 Ogden Drive and the events that took place on-site. Mitigation Measures CR-1 and CR-2 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. However, by demolishing the existing building that is a historical resource for the purposes of CEQA because it is considered a historic resources under CRHR (California Public Resources Code) Criterion 1 (Event), the impact must be considered significant and unavoidable; and

WHEREAS, the findings regarding the potentially significant, unavoidable effect and the feasibility of the project alternatives identified in the final EIR are outlined in Exhibit B and detail and summarize the analysis of those effects and their possible mitigation; and

WHEREAS, the Statement of Overriding Considerations contained in Exhibit C hereto weighs the benefits of the proposed development against the unavoidable environmental impact as defined in CEQA; and

WHEREAS, the Planning Commission recognizes and affirms that before the City Council considers approval of the project, the Council would have to determine that there are overriding considerations and benefits pursuant to the CEQA Guidelines sections 15092 and 15093 with regard to the unavoidable, significant adverse environmental impact as identified in Exhibit C, and this consideration shall occur when the City Council considers the Project for hearing and decision.

NOW, THEREFORE, it is RESOLVED and DETERMINED by this Planning Commission that:

1. The Planning Commission has reviewed and considered the documents constituting the Final Environmental Impact Report (FEIR) and received testimony regarding the FEIR at public hearings. The Planning Commission finds that the FEIR has been completed in compliance with the California Environmental Quality Act (CEQA), and the FEIR is the independent judgment and analysis of the City. The FEIR contains additions, clarifications, modifications and other information in its Responses to Comments on the Draft EIR, and such additions, clarifications, modifications and other information are not significant new information as that term is defined under CEQA. Changes or alterations have been required in, or incorporated into the Project that mitigate, avoid or substantially lessen the significant effects identified in the EIR, as described in the mitigation measures incorporated as project conditions in Exhibit D, except for the identified significant and

unavoidable impact described in Exhibits B and C. On the basis of the FEIR documents and comments received and addressed by this Commission, it is hereby found that the Final Environmental Impact Report is complete pursuant to CEQA Guidelines section 15090 and it is recommended that the City Council certify the FEIR.

2. Said application for Design Review, Conditional Use Permit, Condominium Permit and Tentative Condominium Map for a new 120-unit Condominium Building is recommended to the City Council for approval subject to the conditions set forth in Exhibit D attached hereto. Findings for such Design Review, Conditional Use Permit, Condominium Permit and Tentative Condominium Map are set forth in the staff report, minutes, and recording of said meeting.

Chairman

I, _____, Secretary of the Planning Commission of the City of Burlingame, do hereby certify that the foregoing resolution was introduced and adopted at a regular meeting of the Planning Commission held on the 22nd day of February 2021 by the following vote:

Secretary

EXHIBIT A

Mitigation Monitoring and Reporting Program (MMRP) for the 1868 Ogden Drive Project

Mitigation Monitoring and Reporting Program					
Environmental Topic	Mitigation Measures	Level of Environmental Impact		Responsible Party	Timing
		Impact	Responsible Party		
Air Quality	<p>Mitigation Measure AQ-1: Implement BAAQMD Basic Construction Mitigation Measures.</p> <p>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:</p> <ul style="list-style-type: none"> 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 	Less than Significant with Mitigation Incorporated	Project Applicant or its contractor(s)	City of Burlingame (Public Works Department & Building Division Field Inspectors); Individual at City identified as person of contact for dust complaints	During construction

EXHIBIT A

Mitigation Monitoring and Reporting Program

Environmental Topic	Mitigation Measures	Level of Environmental Impact	Responsible Party	Verifying Party	Timing
	<p>laid as soon as possible after grading, unless seeding or soil binders are used.</p> <ul style="list-style-type: none"> • 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. 				

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Mitigation Monitoring and Reporting Program

Environmental Topic	Mitigation Measures	Level of Environmental Impact	Responsible Party	Verifying Party	Timing
Air Quality	<p>Mitigation Measure AQ-2: Use Tier 4 Equipment.</p> <p>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.</p>	Less than Significant with Mitigation Incorporated	Project Applicant or its contractor(s)	City of Burlingame (Public Works Department & Building Division Field Inspectors)	Prior to construction
Biological Resources	<p>Mitigation Measure BIO-1: Pre-construction Nesting Bird Surveys and Protection Measures</p> <p>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.</p>	Less than Significant with Mitigation Incorporated	Project Applicant or its contractor(s); Qualified Wildlife Biologist	City of Burlingame Planning Division	<p>Prior to construction (7 days prior to construction during the nesting period of March 15 to August 31)</p> <p>During construction (No surveys are needed if construction takes place outside of the nesting period of March 15 to August 31)</p>

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Mitigation Monitoring and Reporting Program

Environmental Topic	Mitigation Measures	Level of Environmental Impact	Responsible Party	Verifying Party	Timing
Biological Resources	<p>Mitigation Measure BIO-2: Implement Bird-safe Design Standards into Project Buildings and the Lighting Design.</p> <p>The applicant, or contractor, shall implement the following measures to minimize hazards for birds:</p> <ul style="list-style-type: none"> • 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 	Less than Significant with Mitigation Incorporated	Project Applicant or its contractor(s)	City of Burlingame Planning Division	Prior to construction

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Mitigation Monitoring and Reporting Program

Environmental Topic	Mitigation Measures	Level of Environmental Impact		
		Responsible Party	Verifying Party	Timing
	<p><i>Standards for Bird-safe Buildings</i>¹ provides an overview of building design and lighting guidelines to minimize bird/building collisions that could be used to guide the applicant.</p>			
Cultural Resources	<p>Mitigation Measure CR-1: Prepare and Submit Historical Documentation of 1868–1870 Ogdén Drive</p> <p>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 Ogdén 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</p>	<p>Project Applicant; Qualified Architectural Historian retained by the Project Applicant</p>	<p>City of Burlingame Planning Division and/or Qualified Architectural Historian or Historian hired by the City</p>	<p>Prior to the issuance of demolition, site, or construction permit</p>

¹ 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.

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Mitigation Monitoring and Reporting Program

Environmental Topic	Mitigation Measures	Level of Environmental Impact	Responsible Party	Verifying Party	Timing
	<p>be used in the interpretive display or signage described in Mitigation Measure CR-2.</p> <p>The documentation shall consist of the following:</p> <ul style="list-style-type: none"> • <i>Historic American Buildings Survey—level Photographs</i>: 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. 				

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Mitigation Monitoring and Reporting Program

Environmental Topic	Mitigation Measures	Level of Environmental Impact	Responsible Party	Verifying Party	Timing
	<ul style="list-style-type: none"> ○ 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. 				
	<ul style="list-style-type: none"> ● <i>Written Historic American Buildings Survey Narrative Report:</i> 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:

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Mitigation Monitoring and Reporting Program

Environmental Topic	Mitigation Measures	Level of Environmental Impact	Responsible Party	Verifying Party	Timing
	<ul style="list-style-type: none"> 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. 				

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Mitigation Monitoring and Reporting Program

Environmental Topic	Mitigation Measures	Level of Environmental Impact		
		Responsible Party	Verifying Party	Timing
Cultural Resources	<p>Mitigation Measure CR-2: Develop and Implement and Interpretive Program</p> <p>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 Burlington Planning Division</p>	<p>Project Applicant; 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</p>	<p>City of Burlingame Planning Division</p>	<p>Prior to issuance of a demolition permit or site permit</p> <p>Prior to issuance of building permit</p> <p>Prior to the issuance of the occupancy permit</p>

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Mitigation Monitoring and Reporting Program

Environmental Topic	Mitigation Measures	Level of Environmental Impact	Responsible Party	Verifying Party	Timing
	<p>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.</p>				
Cultural Resources	<p>Mitigation Measure CR-3: Pre-construction Archaeological Sensitivity Training</p> <p>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</p>	Less than Significant with Mitigation Incorporated	Project Applicant and/or its contractor(s); Qualified Professional Archaeologist	City of Burlingame Planning Division	Prior to construction

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Mitigation Monitoring and Reporting Program

Environmental Topic	Mitigation Measures	Level of Environmental Impact	Responsible Party	Verifying Party	Timing
	<p>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.</p>				
Cultural Resources	<p>Mitigation Measure CR-4: Unanticipated Discovery Protocol</p> <p>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.</p>	Less than Significant with Mitigation Incorporated	Project Applicant and/or its contractor(s); Qualified Professional Archaeologist; Native American representatives	City of Burlingame Planning Division	During construction
Cultural Resources	<p>Mitigation Measure CR-5: Stop Work If Human Remains Are Encountered during Ground-disturbing Activities</p> <p>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,</p>	Less than Significant with Mitigation Incorporated	Project Applicant and/or its contractor(s)	County coroner; City of Burlingame Planning Division; NAHC	During construction

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Mitigation Monitoring and Reporting Program

Environmental Topic	Mitigation Measures	Level of Environmental Impact	Responsible Party	Verifying Party	Timing
	<p>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.</p>				
<p>Geology and Soils</p>	<p>Mitigation Measure GEO-1: Stop Work in Case of Discovery of Paleontological Resources</p> <p>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.</p>	<p>Less than Significant with Mitigation Incorporated</p>	<p>Project Applicant and/or its contractor(s); Professional Paleontologist</p>	<p>City of Burlingame Planning Division</p>	<p>During construction</p>

EXHIBIT A

Mitigation Monitoring and Reporting Program

Environmental Topic	Mitigation Measures	Level of Environmental Impact			
		Impact	Responsible Party	Verifying Party	Timing
Noise	<p>Mitigation Measure NOI-1: Construction Noise Control Plan.</p> <p>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:</p> <ul style="list-style-type: none"> • 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. 	Less than Significant with Mitigation Incorporated	Project Applicant and/or its contractor(s)	City of Burlingame (Public Works Department & Building Division Field Inspectors)	Prior to construction (approval of Noise Control Plan) During construction (implementation of noise measure)

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Mitigation Monitoring and Reporting Program

Environmental Topic	Mitigation Measures	Level of Environmental Impact		
		Responsible Party	Verifying Party	Timing
	<ul style="list-style-type: none"> 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. 			

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Mitigation Monitoring and Reporting Program

Environmental Topic	Mitigation Measures	Level of Environmental Impact			
		Impact	Responsible Party	Verifying Party	Timing
Transportation	<p>Mitigation Measure TRA-1: Traffic Control Plan.</p> <p>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.</p>	Less than Significant with Mitigation Incorporated	Project Applicant and/or its contractor(s)	City of Burlingame Public Works Department	Prior to issuance of grading and building permits (submittal of Traffic Control Plan) During construction (implementation of Traffic Control Plan)

**EXHIBIT B
1868-1870 OGDEN DRIVE**

**FINDINGS OF FACT REGARDING SIGNIFICANT IMPACTS WHICH ARE
UNAVOIDABLE & FINDINGS REGARDING FEASIBILITY OF ALTERNATIVES THAT
COULD MITIGATE SIGNIFICANT UNAVOIDABLE EFFECTS**

BACKGROUND

The California Environmental Quality Act (CEQA) requires that should an agency choose to approve a project for which an Environmental Impact Report (EIR) has been certified that identifies one or more significant effects of the project, the agency shall make one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. These findings shall be supported by substantial evidence in the record. Possible findings are:

- 1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
- 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- 3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(Public Resources Code 21081; 14 Cal. Code Regs (CEQA Guidelines) Section 15091).

CEQA requires that if the agency finds that an alternative to the project considered in an EIR is infeasible, the agency is required to explain the specific reasons for rejecting the identified alternative. An alternative is considered feasible if it is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, technological and other considerations, as well as considerations for employment of highly trained workers (Public Resources Code Sections 21061.1, 21081(a)(3); CEQA Guidelines 15091(a)(3); 15364). Under CEQA case law, the concept of "feasibility" encompasses:

- (i) the question of whether a particular alternative promotes the underlying goals and objectives of a project; and
- (ii) the question of whether an alternative is "desirable" from a policy standpoint to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.

1868-1870 OGDEN DRIVE PROJECT

The applicant for the Project proposes to redevelop a 0.89-acre parcel at 1868 and 1870 Ogden Drive with a new 120-unit residential condominium building. All existing features associated with the Project site would be removed, including the existing one-story office building. The Project would include construction of a six-story, 69-foot-high¹ residential building with 120 residential

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

*EXHIBIT B – 1868-1870 OGDEN DRIVE
FINDINGS REGARDING SIGNIFICANT IMPACTS WHICH ARE UNAVOIDABLE
FINDINGS REGARDING FEASIBILITY OF ALTERNATIVES THAT COULD MITIGATE SIGNIFICANT
UNAVOIDABLE EFFECTS*

condominium 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 an open space podium; the third floor would include residential units and a common deck; and the fourth to sixth floors would include residential units.

The Final EIR analyzed the potential environmental effects of the Project. The Final EIR also considered alternatives to the Project: the alternative to construct the project at a different site, the alternative to reduce the building height, No Project Alternative (Alternative A), and the Full Preservation Alternative (Alternative B).

Listed below are the significant effects identified in the Final EIR for the Project, the mitigation measures incorporated in the Final EIR to reduce these effects and the findings for the selected alternatives for consideration. Included by reference are the 1868 Ogden Drive Project Draft EIR, SCH #2020070230, November 2020 and 1868 Ogden Drive Project Response to Comments Document, February 2021 (together, the Final EIR (FEIR)).

FINDINGS REGARDING SIGNIFICANT AND UNAVOIDABLE EFFECTS

Based on substantial evidence in the whole record of these proceedings, it is hereby found and determined that, where feasible, changes or alterations have been required, or incorporated into, the proposed Project to reduce the significant environmental impacts as identified in the Final EIR and in Exhibit A – Summary of Environmental Impacts and Mitigation Measures, accompanying these Findings. It is further found, however, that certain mitigation measures identified in the Final EIR and as described in these Findings have been required of the Project, pursuant to Public Resources Code Section 21002 and CEQA Guidelines Section 15091, which may lessen, but do not avoid (i.e., reduce to less-than-significant levels), the potentially significant environmental effects associated with implementation of the Project. These are described below in this Exhibit B. Although all of the mitigation measures set forth in Exhibit D – Conditions of Approval accompanying these Findings (which implements all feasible mitigation measures required of the Project in the Final EIR) are adopted, for some of the impacts listed below, the effects remain significant and unavoidable despite the implementation of all feasible mitigation measures.

It is further found, as described below, based on the analysis contained within the Final EIR, other considerations in the record, and the significance criteria identified in the Final EIR, that because some aspects of the Project, specifically the demolition of the building which is considered a historic resource, will cause a potentially significant impact for which feasible mitigation measures are not available to reduce the impact to a less-than-significant level, those impacts remain significant and unavoidable.

Thus, the following significant impacts on the environment, as reflected in the Final EIR, are unavoidable. As more fully explained in Exhibit C – Statement of Overriding Considerations accompanying these Findings, under Public Resources Code Section 21081(a)(3) and (b), and

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

EXHIBIT B – 1868-1870 OGDEN DRIVE
FINDINGS REGARDING SIGNIFICANT IMPACTS WHICH ARE UNAVOIDABLE
FINDINGS REGARDING FEASIBILITY OF ALTERNATIVES THAT COULD MITIGATE SIGNIFICANT
UNAVOIDABLE EFFECTS

CEQA Guidelines 15091(a)(3), 15092(b)(2)(B), and 15093, it is found and determined that legal, environmental, economic, social, technological and other benefits of the Project override any remaining significant adverse impacts of the Project for the significant and unavoidable impacts described below. This finding is supported by substantial evidence in the record of this proceeding.

SIGNIFICANT EFFECT – Demolition of a Cultural Resource:

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

The Project would cause a substantial adverse change in the significance of a historical resource, pursuant to Section 15064.5, by demolishing a building that is a historical resource for the purposes of CEQA because it is considered a historic resources under CRHR (California Public Resources Code) Criterion 1 (Event). The subject building is significant for its association with the long struggles and, ultimately, the accomplishments of the United Farm Workers (UFW). 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 and would result in a significant impact on a historic resource.

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). This is a *Significant and Unavoidable Impact*.

MITIGATION MEASURES

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.

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 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.

EXHIBIT B – 1868-1870 OGDEN DRIVE
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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 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 three 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

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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.

FINDING REGARDING SIGNIFICANT EFFECT

These mitigation measures 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.

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**FINDINGS REGARDING FEASIBILITY OF ALTERNATIVES THAT COULD MITIGATE
SIGNIFICANT UNAVOIDABLE EFFECTS**

BACKGROUND

This Section describes the reasons for approving the proposed Project and the reasons for rejecting the alternatives identified in the Final EIR. CEQA requires that an EIR evaluate a reasonable range of alternatives to the proposed project or the project location that substantially reduce or avoid potentially significant impacts of the proposed project. CEQA requires that every EIR also evaluate a “No Project” alternative. Alternatives provide the decision maker with a basis of comparison to the proposed project in terms of their significant impacts and their ability to meet project objectives. This comparative analysis is used to consider reasonable, potentially feasible options for minimizing environmental consequences of the proposed project.

The Alternatives set forth in the Final EIR (Section 5) and listed below are hereby rejected based upon substantial evidence in the record, including evidence of economic, legal, social, technological, and other considerations described in this Exhibit B, in addition to those described in Exhibit C – Statement of Overriding Considerations accompanying these Findings that make these alternatives infeasible. These determinations are made with the awareness that CEQA defines “feasibility” to mean capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, technological and other considerations. Pub. Resources Code 21081(a)(3); CEQA Guidelines § 15364. Under CEQA case law, the concept of “feasibility” encompasses:

- (i) the question of whether a particular alternative promotes the underlying goals and objectives of a project; and
- (ii) the question of whether an alternative is “desirable” from a policy standpoint to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.

DISCUSSION OF ALTERNATIVES

Tables 5-1 (page 5-4) and Table 5-2 (pages 5-12 & 5-13) in the Draft EIR shows that, except for the No Project Alternative which would not change the environment from the present, all of the alternatives considered would have significant and unavoidable impacts on the historic resources.

The discussion below describes alternatives that were considered during preparation of the Draft EIR. The rationale for eliminating the alternatives from detailed consideration is noted. There were no alternatives identified in any of the scoping comment letters that were received.

Alternative Building Location

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, with 120 new condominium units. In addition, the Project applicant does not own another site within the NBMU Zoning District. Thus, this alternative was considered but rejected.

Reduced Building Height Alternative

An alternative that would reduce the height of the building to either three, four, five or six 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, result in a substantially reduced number of units/density and would not substantially lessen or avoid the significant impact on a historical resource, this alternative was considered but rejected.

No Project Alternative (Alternative A)

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. The No Project Alternative was rejected as infeasible because it is not satisfactory at achieving the basic project objectives.

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.

Full Preservation Alternative (Alternative B)

The existing office building would be preserved and a second floor would be added, providing residential uses on the first and second floors with the Full Preservation Alternative. The gross square footage would be significantly less compared with the proposed Project because the building that would be developed under this option would have only two floors, compared with seven levels (6 stories + below grade parking) under the proposed Project. The upper story of the building under this alternative 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. There would be a total of 24 residential units on the site: 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.

Because of the reduced number of units (96 less units) under this alternative (i.e., 24 compared with 120 under the proposed Project), it is expected that this alternative would not include any below-market-rate units, compared with six under the proposed Project. This Full Preservation Alternative 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.

The most notable difference between the Full Preservation Alternative and the proposed Project is that it would involve the construction of only 24 residential units in two stories, instead of the 120 residential units under the proposed Project. Although this Alternative would 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"

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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.

EXHIBIT C
1868-1870 OGDEN DRIVE

STATEMENT OF OVERRIDING CONSIDERATIONS

The California Environmental Quality Act (CEQA) requires that in the event an agency chooses to approve a project that includes significant and unavoidable impacts which cannot be reduced to acceptable levels the agency must adopt a written Statement of Overriding Considerations which identifies why the local agency is willing to accept the significant unavoidable effect(s). Pursuant to Public Resources Code Section 21081 and Section 15093 of the CEQA Guidelines, the Planning Commission recommends that the City Council adopt and make the following Statement of Overriding Considerations regarding the remaining significant unavoidable impacts of the proposed project at 1868-1870 Ogden Drive (Project), and the anticipated economic, social and other benefits of the Project.

The purpose of the statement of overriding considerations is defined in CEQA Guidelines Section 15093 (a and b):

- (a) *CEQA requires the decision-maker to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."*
- (b) *When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.*

The Statement of Overriding Considerations should be read in conjunction with the findings under Section 15091 (attached herewith as Exhibit B) and should be used in decision making to balance the benefits of the project against the unavoidable environmental risks. CEQA also requires that the Statement of Overriding Considerations be included in the record of project approval and mentioned in the Notice of Determination.

Significant and Unavoidable Effects

The applicant for the Project proposes to redevelop a 0.89-acre parcel at 1868 and 1870 Ogden Drive with a new 120-unit residential condominium building. All existing features associated with the Project site would be removed, including the existing one-story office building. The Project would include construction of a six-story, 69-foot-high^a residential building with 120 residential condominium 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.^b The Project would also

^a Measured to the top of the parapet. The height to the top of the elevator penthouse is 76 feet.

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

EXHIBIT C – 1868-1870 OGDEN DRIVE
STATEMENT OF OVERRIDING CONSIDERATIONS

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 an open space podium; the third floor would include residential units and a common deck; and the fourth to sixth floors would include residential units.

Impact CR-1: The Project would cause a substantial adverse change in the significance of a historical resource, pursuant to Section 15064.5.: The building at 1868–1870 Ogden Drive is a historical resource for the purposes of CEQA, having been found significant under the California Register of Historical Resources, Criterion 1 (Events). The subject building is significant for its association with the long struggles and, ultimately, the accomplishments of the United Farm Workers (UFW). 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. The mitigation 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 on a historical resource would remain *significant and unavoidable* after the application of mitigation.

Statement of Overriding Considerations

While the Final Environmental Impact Report (FEIR), composed of the 1868 Ogden Drive Project Draft EIR, SCH #2020070230, November 2020 and 1868 Ogden Drive Project Response to Comments Document, February 2021, notes that the Project would result in the generation of a significant impact on a historic resource, the Planning Commission hereby finds that, for the reasons set forth below, the economic, social and other considerations prompted by the Project outweigh the unavoidable impact on a historic resource identified in the findings.

The City finds and determines that:

- (i) the majority of the significant impacts of the Project will be reduced to less-than-significant and acceptable levels by the mitigation measures described in the Final EIR and approved and adopted by these Findings;
- (ii) the City's approval of the Project will result in certain significant adverse environmental effects that cannot be avoided even with the incorporation of all feasible mitigation measures into the Project; and
- (iii) there are no other feasible mitigation measures or feasible Project alternatives that would further mitigate or avoid the remaining significant environmental effects. The significant effects that have not been mitigated to a less-than-significant level and are therefore considered significant and unavoidable.

Despite the potentially significant impact, it is the City's considered judgment that the benefits offered by the proposed project at 1868-1870 Ogden Drive (Project) outweigh the potentially

*EXHIBIT C – 1868-1870 OGDEN DRIVE
STATEMENT OF OVERRIDING CONSIDERATIONS*

adverse effects of the significant impact. Each overriding consideration set forth constitutes a separate and independent ground for finding that the benefits of the Project outweigh its potential adverse effects and each such consideration, standing alone, warrants approval of the Project.

First, the Project is consistent with the adopted goals and policies of the Burlingame General Plan by providing residential development that is consistent with the Plan. The North Burlingame Mixed Use (NBMU) zoning implements the General Plan mixed-use zoning with increased densities given the proximity to Burlingame Plaza and the Millbrae multimodal transit station. The purpose of the NBMU zone is to implement the General Plan North Burlingame Mixed Use designation by providing a distinct, defining area at the City's north gateway on El Camino Real. The proposed project, with 120-unit condominium units, is consistent with the development envisioned for this zone. The proposed project is a transit-oriented development in a district zoned to accommodate housing at progressively higher densities based on the level of community benefits provided. The proposed project meets the goals intended for this district and adds value for the City.

Second, the Project would be developed consistent with Tier 3 of the NBMU zone and would provide community benefits. The NBMU Zoning Standards includes "tiered" development standards requiring community benefits to be included in projects in order to achieve the highest residential densities and building heights. The developer has elected to develop this property consistent with Tier 3 development standards. The developer is proposing to provide the following three community benefits:

1. Affordable Housing - The project would include 5% (6 units) below-market rate units for affordable low income households.
2. Public Plaza (Beyond Minimum) - The project includes an approximately 3,400 square foot publicly accessible plaza, well in excess of the 2,000 square foot minimum. The public plaza would include trees, landscaping, seat walls and planters, trash and recycling receptacles, lighting and bike racks. The space would be owned, operated and maintained by the developer or property manager.
3. Cultural Arts Space – The project includes a cultural arts space on the ground floor. This space would be located on the right side of the building with a direct entrance off of the public plaza. The space would be 1,600 square feet and would have a 12-foot tall ceiling height. It is intended that this space would be available for flexible programming for city programs, afternoon enrichment class, or for neighborhood meetings.

Third, development of the Project, while demolishing what is considered a historic resource given the past historical events that took place on the site, the mitigations measures proposed, while not sufficient to reduce the impacts to less than significant, would provide a historical marker to commemorate the historic events related to the UFW. Currently, the existing office building has no identifying features of these historic events, while the proposed project results in the demolition of the building and loss of the resource, the historic marker would in fact educate the public with information about the site and previous events.

Fourth, the Project proposes to construct 120 new residential condominium units on a property that currently contains no housing. The proposed use is compatible with surrounding land uses and is approximately a half mile, or a 13-minute walk, to the Millbrae Multimodal Transit Center. The Project would provide an increased density near the El Camino Real and Caltrain transit corridors on a site that is currently underutilized with only a one-story office building. The Project

*EXHIBIT C – 1868-1870 OGDEN DRIVE
STATEMENT OF OVERRIDING CONSIDERATIONS*

would provide much needed housing in an area that is well served by transit, as well as retail stores and restaurants. The Project helps the City meet the Housing Element objectives in the General Plan and achieve our RHNA (Regional Housing Need) allocations. The Project provides variety and a choice of housing options by promoting housing opportunities for ownership, with 5% of the units offer as BMR units for low income households

Findings

It is hereby found, after consideration of the FEIR and the evidence in the record, that each of the specific overriding economic, legal, social, technological and other benefits of the Project as set out above independently and collectively outweighs the significant and unavoidable impact and is an overriding consideration warranting approval of the Project. The reasons for approval cited above are not unitary, so that even if a court were to conclude that not every reason is supported by substantial evidence, this determination is that the remaining reasons would be sufficient to justify approval of the Project. The substantial evidence supporting the various benefits can be found in the FEIR and the preceding Exhibit B – CEQA Findings, which are incorporated by reference into this Exhibit C, and in the documents found in the administrative record.

On the basis of the Findings made in Exhibits A and B included herewith, and the substantial evidence in the whole record of this proceeding, it is specifically found that there are significant benefits of the Project in spite of the unavoidable significant impact. It is further found that, as part of the process of obtaining Project approval, all significant effects on the environment from implementation of the Project have been eliminated or substantially lessened where feasible. Any remaining significant effects on the environment found to be unavoidable are found to be acceptable due to the above-discussed specific overriding economic, technical, legal, social and other considerations.

EXHIBIT D
1868-1870 OGDEN DRIVE

CONDITIONS OF APPROVAL

Conditions of approval for an application for Design Review, Conditional Use Permit, Condominium Permit and Tentative Condominium Map for a new 120-unit Condominium Building, and Environmental Impact Report (EIR) at 1868-1870 Ogden Drive, Burlingame, CA.

CONDITIONS:

1. that the project shall be built as shown on the plans submitted to the Planning Division date stamped February 11, 2021, sheets A0.0.01 through A0.96, sheets C0.1 through C4.2, sheets L1.1 through L5.3 and sheets A1.0 through A5.3;
2. that prior to issuance of a building permit for construction of the project, the project construction plans shall be modified to include a cover sheet listing all conditions of approval adopted by the City Council; which shall remain a part of all sets of approved plans throughout the construction process. Compliance with all conditions of approval is required; the conditions of approval shall not be modified or changed without the approval of the Planning Commission, or City Council on appeal;
3. that any changes to the size or envelope of the building, which would include expanding the footprint or floor area of the structure, replacing or relocating windows or changing the roof height or pitch, shall be subject to Planning Commission review (FYI or amendment to be determined by Planning staff);
4. that the applicant shall apply for a tentative and final condominium map with the Public Works, Engineering Division for processing in conformance with the Subdivision Map Act;
5. that the project shall include six (6) affordable units to households of "Low Income" category, as defined as earning a maximum of 80% of the San Mateo County Area Median Income; the City Manager shall be authorized to execute an agreement with the applicant and the applicant shall enter into an agreement for the administration of the sale, rent or lease of the affordable units at least 120 days before the final inspection;
6. that the required affordable dwelling units shall be constructed concurrently with market-rate units;
7. that the six (6) low income restricted affordable units shall remain restricted and affordable to the designated income group for a minimum period of fifty-five (55) years (or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program);
8. that the six (6) restricted affordable units shall be built on-site and be dispersed within the development. The number of bedrooms of the restricted affordable units shall be equivalent to the bedroom mix and average sizes of the non-restricted units in the development; except that the applicant may include a higher proportion of restricted affordable units with more bedrooms. The design and construction of the affordable dwelling units shall be consistent with the design, unit layout, and construction of the total project development in terms of appearance, exterior construction materials, and unit layout;

9. that the applicant shall enter into a regulatory agreement with the City; the terms of this agreement shall be approved as to form by the City Attorney's Office, and reviewed and revised as appropriate by the reviewing City official; this agreement will be a form provided by the City, and will include the following terms:
 - (a) The affordability of very low, lower, and moderate income housing shall be assured in a manner consistent with Government Code Section 65915(c)(1);
 - (b) An equity sharing agreement pursuant to Government Code Section 65915(c)(2);
 - (c) The location, dwelling unit sizes, rental cost, and number of bedrooms of the affordable units;
 - (d) A description of any bonuses and incentives, if any, provided by the City; and
 - (e) Any other terms as required to ensure implementation and compliance with this section, and the applicable sections of the density bonus law;
10. that the above noted regulatory agreement regarding the six (6) restricted affordable units shall be binding on all future owners and successors in interest; the agreement required by this Zoning Code Section 25.63.080 is hereby a condition of all development approvals and shall be fully executed and recorded prior to the issuance of any building or construction permit for the proposed project;
11. that prior to issuance of a building permit for the project, the project applicant shall pay the first half of the North Burlingame/Rollins Road Development Fee in the amount of \$17,365.25, made payable to the City of Burlingame and submitted to the Planning Division;
12. that prior to scheduling the final framing inspection, the project applicant shall pay the second half of the North Burlingame/Rollins Road Development Fee in the amount of \$17,365.250, made payable to the City of Burlingame and submitted to the Planning Division;
13. that prior to final inspection or the date the certificate of occupancy is issued, whichever occurs first, the project applicant shall pay the Public Impact Fees in the amount of \$452,387.70 in full, payable to the City of Burlingame and submitted to the Planning Division;
14. that the project shall include the Transportation Demand Management Measures as proposed in the Transportation Impact Analysis, prepared by Hexagon Transportation Consultants, Inc., dated November 9, 2020;
15. that a TDM annual report shall be prepared by a qualified, independent consultant and paid for by the owner and submitted to the City of Burlingame annually; with the initial, or baseline, commute survey report to be conducted and submitted one (1) year after the granting of a certificate of occupancy for 75 percent or more of the project and annually after that;
16. that the TDM annual report shall provide information about the level of alternative mode-uses and in the event a 25 percent reduction in peak-hour vehicle trips and reduction in overall parking demand is not met, the report shall explain how and why the goal has not been reached; in such a circumstance the annual report shall identify a work plan, to be approved by the City of Burlingame, which describes additional or alternative measures

for implementation that would be necessary to enhance the TDM program to attain the TDM goal of 20 percent mode split;

17. that the City may consider whether the owner/tenant has made a good faith effort to meet the TDM goals and may allow the owner a six-month “grace period” to implement additional TDM measures to achieve the 20 percent vehicle trip reduction;
18. that prior to the issuance of building permits, a covenant agreement shall be recorded office with the San Mateo County Assessor and Recorder’s Office to provide constructive notice to all future owners of the property of any ongoing programmatic requirements that discloses the required Transportation Demand Management (TDM) provisions and any conditions of approval related herein to compliance and reporting for the TDM;
19. that the public plaza shall be owned, operated, and maintained by the developer or property manager in accordance with an approved maintenance plan to be reviewed and approved by the Community Development Director;
20. that the public plaza shall be open to the public, without charge, each day of the year, except for temporary closures for necessary maintenance or public safety;
21. that the conditions of the Building Division’s October 19, 2019 memo, the Stormwater Division’s August 9, 2019 memo, the Park’s Division’s October 16, 2019 memo, Fire Division’s August 8, 2019 memo and the Public-Works Engineering Division’s October 30, 2019 memo related to the building permit submittal shall be met;
22. that if the City determines that the structure interferes with City communications in the City, the property owner shall permit public safety communications equipment and a wireless access point for City communications to be located on the structure in a location to be agreed upon by the City and the property owner. The applicant shall provide an electrical supply source for use by the equipment. The applicant shall permit authorized representatives of the City to gain access to the equipment location for purposes of installation, maintenance, adjustment, and repair upon reasonable notice to the property owner or owner’s successor in interest. This access and location agreement shall be recorded in terms that convey the intent and meaning of this condition, prior to installation of any public safety communications equipment, if it is deemed necessary;
23. that the applicant shall be required to comply with the real estate disclosure requirements of State law and General Plan as outlined in Policy IP-1 of the SFO ALUCP and that the following statement must be included in the notice of intention to offer the property for sale or lease:

“Notice of Airport in Vicinity

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase or lease and determine whether they are acceptable to you.”;

24. that the project applicant shall be required to evaluate potential airport noise impacts if the project is located within the 65 CNEL contour line of San Francisco International Airport (as mapped in the Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport). All projects shall be required to mitigate impacts to comply with the interior and exterior noise standards established by the Airport Land Use Compatibility Plan;
25. prior to issuance of a building permit, the project sponsor shall file a Form 7460-1, Notice of Proposed Construction and provide an FAA determination of no hazard to air navigation approval letter;
26. that during construction, the applicant shall provide fencing (with a fabric screen or mesh) around the project site to ensure that all construction equipment, materials and debris is kept on site;
27. that storage of construction materials and equipment on the street or in the public right-of-way shall be prohibited;
28. that the applicant shall prepare a construction staging and traffic control plan for the duration of construction for review and acceptance by the City Engineer prior to the issuance of a building permit; the construction staging plan shall include construction equipment parking, construction employee parking, timing and duration of various phases of construction and construction operations hours; the staging plan shall address public safety and shall ensure that worker's vehicles and construction equipment shall not be parked in public parking areas with exceptions for construction parking along the street frontages of the project site;
29. that the project applicant and its construction contractor(s) shall develop a construction management plan for review and approval by the City of Burlingame. The plan must include at least the following items and requirements to reduce, to the maximum extent feasible, traffic and parking congestion during construction:
 - a. A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes;
 - b. Identification of haul routes for movement of construction vehicles that would minimize impacts on motor vehicular, bicycle and pedestrian traffic, circulation and safety, and specifically to minimize impacts to the greatest extent possible on streets in the project area;
 - c. Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures would occur;
 - d. Provisions for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the project applicant; and
 - e. Designation of a readily available contact person for construction activities who would be responsible for responding to any local complaints regarding traffic or parking. This coordinator would determine the cause of the complaint and, where necessary, would implement reasonable measures to correct the problem.

30. that if construction is done during the wet season (October 1 through April 30), that prior to October 1 the developer shall implement a winterization program to minimize the potential for erosion and polluted runoff by inspecting, maintaining and cleaning all soil erosion and sediment control prior to, during, and immediately after each storm even; stabilizing disturbed soils throughout temporary or permanent seeding, mulching matting, or tarping; rocking unpaved vehicle access to limit dispersion of mud onto public right-of-way; covering/tarping stored construction materials, fuels and other chemicals;
31. that trash enclosures and dumpster areas shall be covered and protected from roof and surface drainage and that if water cannot be diverted from these areas, a self-contained drainage system shall be provided that discharges to an interceptor;
32. that this project shall comply with the state-mandated water conservation program, and a complete Irrigation Water Management and Conservation Plan together with complete landscape and irrigation plans shall be provided at the time of building permit application;
33. that all site catch basins and drainage inlets flowing to the bay shall be stenciled. All catch basins shall be protected during construction to prevent debris from entering;
34. that this proposal shall comply with all the requirements of the Tree Protection and Reforestation Ordinance adopted by the City of Burlingame in 1993 and enforced by the Parks Department; complete landscape and irrigation plans shall be submitted at the time of building permit application and the street trees will be protected during construction as required by the City Arborist;
35. that project approvals shall be conditioned upon installation of an emergency generator to power the sump pump system; and the sump pump shall be redundant in all mechanical and electrical aspects (i.e., dual pumps, controls, level sensors, etc.). Emergency generators shall be housed so that they meet the City's noise requirement;
36. that prior to issuance of a building permit, the applicant shall prepare and submit to the Department of Public Works – Engineering Division a sanitary sewer analysis that assesses the impact of this project to determine if the additional sewage flows can be accommodated by the existing sewer line. If the analysis results in a determination that the existing sewer line requires upgrading, the applicant shall perform the necessary upgrades as determined by the Engineering Division;
37. that a Protected Tree Removal Permit shall be required from the City of Burlingame Parks Division to remove any existing protected size trees on the subject property and that the project shall comply with the Tree Protection and Reforestation Ordinance adopted by the City of Burlingame and enforced by the Parks Department; complete landscape and irrigation plans shall be submitted at the time of building permit application and the street trees will be protected during construction as required by the City Arborist;
38. that the project shall comply with the Construction and Demolition Debris Recycling Ordinance which requires affected demolition, new construction and alteration projects to submit a Waste Reduction plan and meet recycling requirements; any partial or full demolition of a structure, interior or exterior, shall require a demolition permit;

39. that demolition or removal of the existing structures and any grading or earth moving on the site shall not occur until a building permit has been issued and such site work shall be required to comply with all the regulations of the Bay Area Air Quality Management District;
40. that the applicant shall comply with Ordinance 1503, the City of Burlingame Storm Water Management and Discharge Control Ordinance;
41. that the project shall meet all the requirements of the California Building and Uniform Fire Codes, as amended by the City of Burlingame;
42. that this project shall comply with Ordinance No. 1477, Exterior Illumination Ordinance;
43. that construction access routes shall be limited in order to prevent the tracking of dirt onto the public right-of-way, clean off-site paved areas and sidewalks using dry sweeping methods;

The following five (5) conditions shall be met during the Building Inspection process prior to the inspections noted in each condition:

44. that prior to scheduling the foundation inspection a licensed surveyor shall locate the property corners, set the building envelope;
45. that prior to scheduling the framing inspection, the project architect, engineer or other licensed professional shall provide architectural certification that the architectural details such as window locations and bays are built as shown on the approved plans; if there is no licensed professional involved in the project, the property owner or contractor shall provide the certification under penalty of perjury. Certifications shall be submitted to the Building Division;
46. that prior to scheduling the roof deck inspection, a licensed surveyor shall shoot the height of the roof ridge and provide certification of that height to the Building Division;
47. that prior to final inspection, Planning Division staff will inspect and note compliance of the architectural details (trim materials, window type, etc.) to verify that the project has been built according to the approved Planning and Building plans;

Mitigation Measures from the Environmental Impact Report

Air Quality

48. **MM 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.

49. **MM 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.

Biological Resources

50. **MM 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;
51. **MM 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 Buildings¹ provides an overview of building design and lighting guidelines to minimize bird/building collisions that could be used to guide the applicant.

Cultural Resources

52. MM 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.*

¹ 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.

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.
53. **MM CR-2: Develop and Implement and 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.
54. **MM-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.
55. **MM-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.

56. **MM-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.*

Geology and Soils

57. **MM 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.*

Noise

58. **MM 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.*

Transportation

59. **MM 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.

Noticing

- Notice of Public Hearing – Mailed February 12, 2021
- Area Map



CITY OF BURLINGAME
COMMUNITY DEVELOPMENT DEPARTMENT
501 PRIMROSE ROAD
BURLINGAME, CA 94010
PH: (650) 558-7250
www.burlingame.org

Project Site: 1868-1870 Ogden Drive, zoned NBMU

The City of Burlingame Planning Commission announces the following virtual public hearing via Zoom on **Monday, February 22, 2021 at 7:00 P.M.** You may access the meeting online at www.zoom.us/join or by phone at (669) 900-9128:

Meeting ID: 991 2809 2725 Passcode: 261738

Description: Review and recommendation to the City Council on an application for Design Review, Conditional Use Permit for tandem parking, and Condominium Permit for a new 120-unit, 6-story condominium building, and Environmental Impact Report (EIR) including Statement of Overriding Considerations.

Members of the public may provide written comments by email to: publiccomment@burlingame.org.

Mailed: February 12, 2021

(Please refer to other side)

**PUBLIC HEARING
NOTICE**

City of Burlingame - Public Hearing Notice

If you have any questions about this application or would like to schedule an appointment to view a hard copy of the application and plans, please send an email to planningdept@burlingame.org or call (650) 558-7250.

Individuals who require special assistance or a disability-related modification or accommodation to participate in this meeting, or who have a disability and wish to request an alternative format for the agenda, meeting notice, agenda packet or other writings that may be distributed, should contact the Planning Division at planningdept@burlingame.org or (650) 558-7250 by 10 am on the day of the meeting.

If you challenge the subject application(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing, described in the notice or in written correspondence delivered to the city at or prior to the public hearing.

Property owners who receive this notice are responsible for informing their tenants about this notice.

Kevin Gardiner, AICP
Community Development Director

(Please refer to other side)

1868-1870 Ogdren Drive
500' noticing
APN #: 025-121-190

