



STAFF REPORT

AGENDA ITEM NO: 10e

MEETING DATE: November 5, 2018

To: Honorable Mayor and City Council

Date: November 5, 2018

From: Kevin Gardiner, Community Development Director – (650) 558-7253

Subject: General Plan Update and Environmental Impact Report (EIR)

RECOMMENDATION

Staff recommends that Council provide feedback on the update to the City's General Plan and Environmental Impact Report (EIR).

BACKGROUND

In March 2015, the City of Burlingame initiated a multi-year process focused on a community-led effort to update the City's General Plan and Zoning Ordinance, called "Envision Burlingame." The General Plan and Zoning Ordinance are the City's two documents that regulate all land use, environmental, and transportation decisions made by City leaders.

The Envision Burlingame process will result in goals and strategies for desired change in the City by answering the question: "How do we want Burlingame to look, function, and feel 25 years from now?" To answer this question, residents, business owners and other community members have been engaged in a comprehensive discussion regarding mobility, urban design, recreation and parks, health, natural resources, and economic development opportunities.

Envision Burlingame has three broad objectives:

1. Develop a vision for Burlingame, with particular attention paid to the topics of stability and opportunities for desired change.
2. Update policies and regulations to ensure they address current regional, state, and federal requirements.
3. Create an updated and fully digital General Plan and Zoning Ordinance that are easily accessed, understood, and applied by the community, property and business owners, and decision makers.

Below is a summary of the overall project schedule based on major project phases, each of which includes a variety of community outreach and public engagement activities and events.

Phase	Status
1. Existing Conditions and Opportunities.....	Completed Fall 2015
2. Vision and Transformative Strategies Framework	Completed Spring 2016
3. Concept Alternatives	Completed Spring 2016
4. Draft General Plan	Completed Summer 2017
5. Environmental Review	Summer 2018
6. General Plan Hearings and Adoption	Summer - Fall 2018
7. Zoning Ordinance Update	Spring 2018 – Summer 2019

The Public Review Draft of the General Plan was released in August 2017. The draft plan is available on the Envision Burlingame website at www.envisionburlingame.org, and on the City of Burlingame website at www.burlingame.org/generalplan.

The Draft Environmental Impact Report (DEIR) was released on June 28, 2018. The Draft EIR analyzes the potential impacts related to the implementation of the General Plan at a "programmatic" level, as authorized by the California Environmental Quality Act (CEQA). The Draft EIR is intended to serve as an informational document for use by Planning Commission, City Council, other public agencies, and the community in their consideration of the proposed General Plan.

The Final Environmental Impact Report (FEIR) has been prepared with responses to comments on the Draft Environmental Impact Report (DEIR). The City published a Notice of Availability and circulated the DEIR for public review and comment from July 3, 2018 through August 20, 2018. The FEIR provides responses to comments received during the public review and comment period.

The Draft and Final EIR are available on the Envision Burlingame website at www.envisionburlingame.org, and on the City of Burlingame website at www.burlingame.org/generalplan.

City Council Review. The City Council has reviewed the General Plan at various key intervals through the process, including:

- Review of Draft Concept Alternatives as part of the annual joint meeting with the Planning Commission on March 19, 2016;
- Review of the preliminary Land Use Plan on September 7, 2016;
- Discussion of a build-out analysis on December 2, 2016;
- Discussion of employment projections on September 18, 2017; and
- Project updates as part of the annual joint meetings with the Planning Commission on April 15, 2017 and May 2, 2018.

Planning Commission Review and Recommendation. The Planning Commission has reviewed the General Plan at various key intervals through the process, including:

- Joint meetings with the City Council;
- Review of the preliminary Land Use Plan at a study session on July 13, 2016;
- Overview and public comment session on the Draft General Plan and Draft EIR on July 11, 2018;
- Discussion of historic resource approaches and policies on August 10, 2018.

At its meeting on October 22, 2018, the Planning Commission recommended approval of the General Plan and EIR to the City Council, with the following changes and clarifications:

- Acceptance of staff and consultant suggestions for public comment follow-up actions as presented with the staff report (attached as Exhibits A and B);
- Further discussion of historic resource approaches and policies.

The Planning Commission supported the goals, policies, and programs outlined in the Draft General Plan, with the exception of the approach to the review of potential historic resources. Policy CC-3.2 in the Community Character Element would require that applicants for any discretionary permits (i.e., those requiring Planning Commission approval) involving remodeling, removing, or substantially altering any structure older than 50 years prepare a Historic Resources Analysis consistent with State CEQA requirements to identify the potential historical significance of the property. Commissioners were concerned that the vast majority of homes in Burlingame are older than 50 years old, that relatively few would be eligible for historic status, and that requiring evaluations to be undertaken would be onerous to applicants in instances where there is a low likelihood the property would be potentially eligible for historic status (October 22, 2018 Planning Commission meeting minutes attached). This matter is further discussed below.

Community Advisory Committee (CAC). A Community Advisory Committee (CAC) was established by the City Council early in the process to advise the project team throughout the development of the updated General Plan. Members included representatives from a variety of organizations and perspectives, including neighborhood groups, business groups, transportation and housing advocacy groups, and environmental organizations, as well as residents representing a range of perspectives, including youth, renters, and seniors. The role of the CAC has been to connect with the various communities and stakeholders of Burlingame for the purpose of advising and making recommendations to the Planning Commission and City Council. The CAC held a total of 18 meetings between July 22, 2015, and August 30, 2017.

Community Engagement. The General Plan Update has included a range of community engagement activities including four City Council study sessions, three community workshops, numerous stakeholder interviews and intercept surveys, focus groups, an online survey, and collaborations with students from Burlingame High School and local universities.

DISCUSSION

In this meeting, the consultant team will provide an overview of both the Draft General Plan and Draft EIR. The City Council will have the opportunity to ask questions, receive public input, and provide direction in anticipation of the General Plan returning for adoption on November 19th.

Draft Environmental Impact Report / Distribution of New Development. The Draft Environmental Impact Report (DEIR) evaluated the build-out scenario presented to the City Council on December 2, 2016 and again on September 18, 2017. The growth projections for the General Plan through build-out are summarized in Table CX-1 in the Draft General Plan, shown below:

Table CX-1
Burlingame General Plan Growth Projections through Build-out

	Housing Units	Population	Jobs
2016	13,144	29,724	29,879
Build-out	16,065	36,600	39,610
Net New	2,951	6,876	9,731

One of the first community engagement activities conducted for the General Plan was to identify “areas of stability” and “areas of change.” Areas of stability were defined as neighborhoods or districts in which the community would anticipate little change over the next ten to 20 years, while areas of change were places where the community desires new uses or redevelopment of existing uses to occur. Community members expressed a strong desire to preserve Burlingame’s residential neighborhoods and public parks, while the Bayfront, Rollins Road, North Burlingame, Downtown, the Broadway commercial district, and portions of California Drive were all identified as areas of potential change. El Camino Real was viewed as having the potential for some change and some stability.

Through this strategy organized around “areas of change,” new employment uses are particularly emphasized in the Bayfront, but also Rollins Road, North Burlingame, and Downtown. New residential uses are emphasized in Downtown, North Burlingame, Broadway, and California Drive. New live/work and residential uses are emphasized in the northern portion of Rollins Road.

The build-out evaluated in the EIR includes up to 2,951 new residential units. Most of this growth is targeted in the Downtown, North Burlingame, and North Rollins Road areas, providing opportunities for higher-density housing close to transit (Caltrain and BART), services, and the Burlingame Avenue and Broadway commercial districts. To a lesser extent, units are also projected as infill in the Broadway commercial area, and along the California Drive and El Camino Real corridors.

The General Plan process included confirmation of the existing Downtown Specific Plan, with consensus that the land use and development framework provided in the Downtown Specific Plan would be maintained in the updated General Plan. The environmental review conducted for the Downtown Specific Plan projected up to 1,232 new residential units over the duration of the plan; this projection was integrated into the General Plan EIR accordingly.

Projections for the North Burlingame Mixed Use and North Rollins Road Live/Work areas in the EIR are based on the residential densities assigned to each respective land use. The North Burlingame Mixed Use designation specifies a residential density ranging from 20 to 120 units per acre (or 140 units per acre in a higher-density EIR alternative). The North Rollins Road Live/Work designation specifies a residential density up to 70 units per acre. For reference, these density ranges generally correspond to these types of housing:

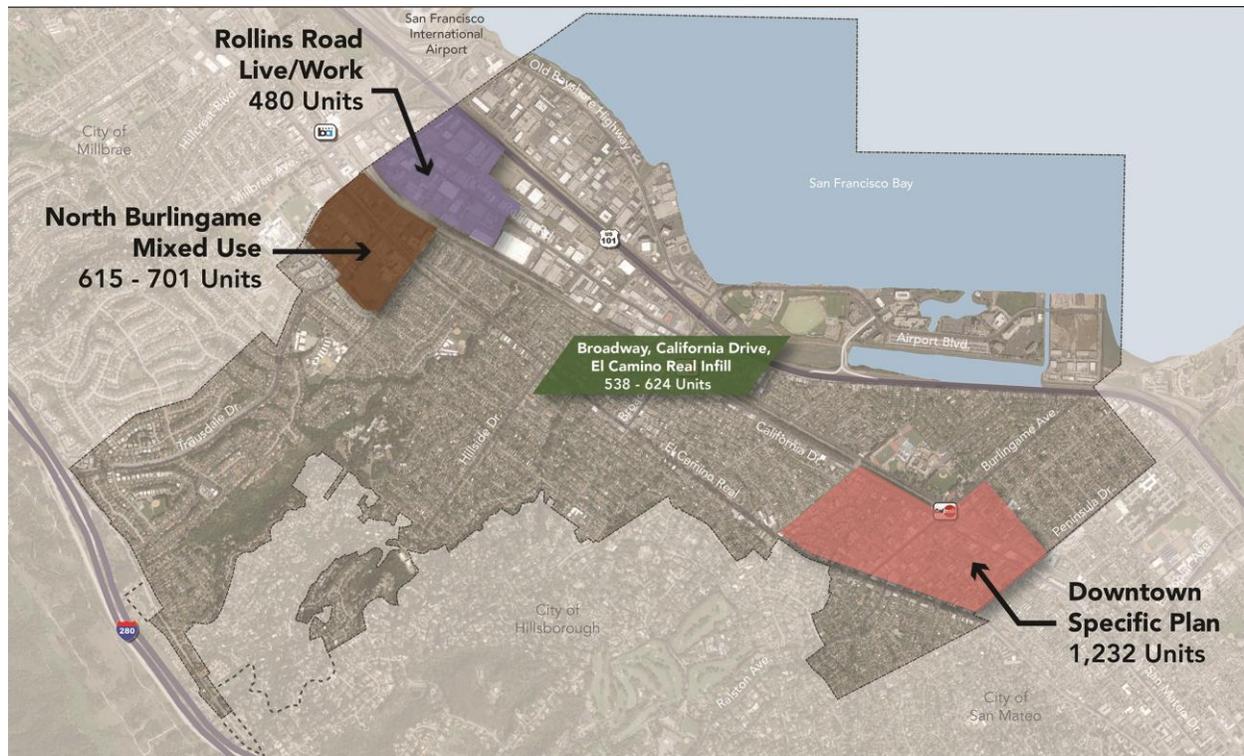
- 20 units per acre – 2 to 3 story townhouses and rowhouses
- 70 units per acre – 3 to 7 story apartments/condominiums and live/work “lofts”
- 120 units per acre – 4 to 8 story apartments/condominiums

Based on these residential density ranges, the EIR evaluated up to 1,095 residential units in the North Burlingame Mixed Use and North Rollins Road Live/Work areas combined (or up to 1,181 residential units in the higher-density EIR alternative). More specifically, the EIR evaluated 615 units in the North Burlingame Mixed Use area (701 units in the higher-density EIR alternative), and 480 units in the North Rollins Road Live/Work area. Given the geographical proximity of these two areas, presumably there would be flexibility in allocating units between North Burlingame and North Rollins Road, with a total 1,095 units between the two areas (or 1,181 units in the higher-density EIR alternative).

The remaining residential units projected in the build-out scenario would be anticipated as infill development in the Broadway and California Drive areas, as well as incremental infill along the El Camino Real corridor. Up to 624 residential units would be anticipated in these areas over the course of the General Plan.

Figure 1 (next page) illustrates the distribution of residential units evaluated in the General Plan EIR. Should there be a desire to adjust the geographical allocation of residential growth over time, this could be evaluated through subsequent planning efforts such as specific plans, or the update to the 2015-2023 Housing Element (which was not included in the General Plan Update, but will be required to be updated by 2024.) Alternatively, direction could be provided to make adjustments at the present time, with corresponding revisions of the environmental analysis.

**FIGURE 1:
EIR EVALUATION OF RESIDENTIAL GROWTH**



Historic Resource Policies. The Draft General Plan includes policies intended to promote preservation of historic resources. This includes policies providing flexible land use standards to allow the adaptive reuse of identified historical buildings, promotion of the use of the State Historic Building Code to facilitate the reuse and conversion of historical buildings to alternative uses, and promotion of financial incentives for preservation of historic resources such as the Mills Act, Federal Historic Tax Incentives, and the Federal Historic Preservation Tax Credit program.

The Draft General Plan also includes a policy intended to ensure that historic resources are adequately evaluated through the development and environmental review process:

CC-3.2: Comprehensive Historic Surveys

Require applicants for any discretionary permits that involve remodeling, removing, or substantially altering any structure older than 50 years (at the time of the application) to prepare a Historic Resources Analysis consistent with State CEQA requirements to identify the historical significance of the property.

The policy would require historic evaluations for discretionary permits, which involve projects subject to Planning Commission review, but would not include ministerial permits such as building permits not subject to Planning Commission review. Discretionary permits subject to Planning Commission review include design review applications (both residential and

commercial), second-story additions to single family homes, and demolition and rebuilds of single family homes. Ministerial permits not typically subject to Planning Commission review include most single-story additions to single family homes, improvements to commercial buildings involving alterations of less than 50 percent of a façade, and permits for routine building maintenance.

The approach to historic resources provided in the Draft General Plan was proposed by the Community Advisory Committee (CAC) over the course of several meetings, after reviewing historic evaluation approaches in other communities. The approach emphasizes equity, in that only properties undergoing significant development would be subject to historic review, and the cost of review would be the responsibility of the applicant.

However, over the course of the review of the Draft General Plan, members of the community and the Planning Commission have raised concerns with this approach, as it would require evaluations to be undertaken for any property greater than 50 years old. This threshold encompasses the vast majority of homes in Burlingame. The concern is that such evaluations would be onerous to applicants in instances where there is a low likelihood the property would be potentially eligible for historic status.

Historical resources are considered part of the environment and are subject to review under CEQA. A project that may cause a substantial adverse effect on the significance of a historical resource is a project that may have a significant effect on the environment. As such, a project involving a historic resource would require environmental review, and would not qualify for a Categorical Exemption under CEQA.

The 50-year threshold is an environmental review criterion that originates from 36 *Code of Federal Regulations 60.4*, which pertains to the National Register. However, this threshold in itself does not provide an absolute determination. Resources less than 50 years old may qualify as significant historical resources if deemed “exceptionally important” through the events or individuals associated with the resource. Conversely an age of 50 years or greater does not in itself convey historic status.

As the Draft General Plan has been undergoing review and there has been further discussion of this matter, staff has consulted with the General Plan team to identify other potential approaches to the review of potential historic resources. Staff has also consulted with representatives of Page & Turbull, which is the consulting firm commissioned to prepare historic evaluations in the Burlingame Park neighborhood, for their perspective on other approaches that could be considered. Other possibilities suggested include historic resource surveys or “Historic Context Statements” that could provide more particular guidance on identifying historic resources.

Should the City Council choose to further evaluate this matter, Policy CC-3.2 could be revised to allow further study. Further study could allow consideration of other approaches such as surveys and context statements, or possibilities for streamlining individual evaluations.

Final EIR. The Draft Environmental Impact Report (DEIR) was circulated for a 45-day public review and comment period beginning July 3, 2018 and ending August 20, 2018. The City published a Notice of Availability and circulated a DEIR for public review and comment from July 3, 2018 through August 20, 2018.

The City received ten comment letters during the review period, including seven letters from public agencies and three letters from individuals. The Final EIR provides responses to each comment. Responses include a summary to identify if the response will introduce “new significant information” under any of the four categories identified in Section 15088 et seq. of the CEQA Guidelines or if it does not introduce “new significant information.”

Draft General Plan Public Comments. To date, the City has received 23 comment letters and emails on the Public Review Draft of the General Plan. To facilitate review, staff and the consultant team have prepared responses and suggestions for follow-up action to consider. Suggested actions range from text edits, to inclusion of additional new policies.

A summary of each correspondence and suggested follow-up action is provided in Exhibit A, followed by the original correspondence provided in Exhibit B.

Draft General Plan Errata/Edits. Staff and the consultant team have identified two items in the Public Review Draft needing to be corrected or further clarified:

Implementation Programs. Chapter XI (Implementation Programs) in the Public Review Draft inadvertently omitted text for programs IP-51, IP-52, IP-59, IP-60, IP-61, and IP-62. Exhibit C provides Chapter XI in its entirety, with the omitted text indicated with tracked changes.

75 CNEL Noise Contour. Figure CS-2 in Chapter VIII (Community Safety Element) indicates residential uses in the noise contour 75 CNEL or greater to be “Clearly Unacceptable.” However, Figures 15-2 (Existing (2017) Transportation Noise Contours) and Figure 15-3 (Future (2040) Transportation Noise Contours) in the Draft EIR indicate existing and proposed residential uses within the 75 CNEL noise contours aligning with Highway 101 and Interstate 280. Existing residential uses within the 75 CNEL contour include multifamily and single family uses in the vicinity of Rollins Road from Cadillac Way to Larkspur Drive, and multifamily and single family uses in the vicinity of Interstate 280. Proposed residential uses within the 75 CNEL contour include a portion of the proposed Live/Work land use area at the north end of Rollins Road.

Policy CS-4.2 (Residential Noise Standards) addresses residential uses within the 70 CNEL noise and greater noise contours with requirements that new residential units shall have a maximum acceptable interior noise level of 45 dB with windows closed. Furthermore, for project locations that are primarily exposed to noise from transportation operations, the maximum instantaneous noise level in bedrooms shall not exceed 50dB(A) at night (10:00 P.M. to 7:00 A.M.) and 55 dB(A) during the day with windows closed. These standards can be achieved by incorporating buffers and noise control

features into a development project such as setbacks, landscaping, building transitions, site design/building orientation, and building construction approaches.

Exhibit D outlines suggested edits to the General Plan and EIR to address this matter, consistent with the performance standards in Policy CS-4.2.

Interim Zoning. “Envision Burlingame” is the combined update of the Burlingame General Plan and Zoning Ordinance. The next phase of work will be the Zoning Ordinance Update. Ultimately, the entire zoning code will be rewritten, and it is anticipated to take approximately one year.

State Law requires zoning ordinances to be consistent with the respective general plan. Given the amount of time that will be required to prepare the complete Zoning Ordinance Update, staff has directed the consultant team to initially focus on interim regulations applicable to the most significant “change areas” identified in the Draft General Plan. These include:

- North Burlingame Mixed Use Zone
- North Rollins Road Mixed Use Zone (Live/Work Zone)

The approach will allow interim zoning for these two areas to be adopted concurrently with the General Plan, so that consistent zoning would be in place for the areas with the most significant changes to land use and building form. State Law allows interim zoning to be extended for up to two years, which can be effective when a general plan revision or major rezoning is underway in order to achieve general plan consistency. New or updated specific plans for the respective areas could also be developed while the interim zoning is in place.

A subcommittee of the Planning Commission consisting of Commissioners Kelly, Loftis, and Terrones has been formed to evaluate the interim chapters, as well as the full zoning code as it is developed. The subcommittee has met twice to review drafts of the North Burlingame and North Rollins Road chapters, and the full Planning Commission will review the chapters at its November 13, 2018 meeting. The chapters will then be included with the General Plan for the City Council to review on November 19th.

While the North Burlingame Mixed Use and North Rollins Road chapters have been developed to be adopted on an interim basis, much thought has been given to the approach and standards. This includes an innovative “tiered” approach to development, in which the highest residential densities and commercial floor areas would require provision of community benefits such as affordable housing, open space, and enhanced streetscapes. As currently drafted, affordable units would be a requirement to achieve the highest residential densities. The regulations also provide streetscape standards with sidewalk and street tree specifications that would be aligned with the hierarchy of street types provided in the General Plan.

FISCAL IMPACT

None.

Exhibits:

- Draft General Plan – Public Review Draft (August 2017)
- Draft Environmental Impact Report (DEIR)
- Final Environmental Impact Report (FEIR)
- Exhibit A: Responses and suggested actions to Draft General Plan public comments
- Exhibit B: Draft General Plan public comments – original correspondence
- Exhibit C: Implementation Programs errata/edits
- Exhibit D: 75 CNEL Noise Contour errata/edits
- October 22, 2018 Planning Commission Meeting Minutes