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JUN 26 2018

CITY OF BURLINGAME  
CDD-PLANNING DIV.



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*Via Email and Overnight Mail*

June 25, 2018

William Meeker, Community Development Director  
City of Burlingame Community Development Department  
Planning Division  
501 Primrose Road  
Burlingame, CA 94010-3997  
[wmeeker@burlingame.org](mailto:wmeeker@burlingame.org)

Meaghan Hassel-Shearer, City Clerk  
City Clerk's Office  
City of Burlingame  
501 Primrose Road  
Burlingame, CA 94010  
[mhasselshearer@burlingame.org](mailto:mhasselshearer@burlingame.org)

**Re: Comment on 920 Bayswater Avenue  
Initial Study | Mitigated Negative Declaration**

Dear Mr. Meeker and Ms. Hassel-Shearer:

I am writing on behalf of the **Laborers International Union of North America, Local Union 261** and its members living in San Mateo County and/or the City of Burlingame ("LiUNA"), regarding the Initial Study and Mitigated Negative Declaration ("IS/MND") prepared for the Project known as 920 Bayswater Avenue (City File No. ND-599-P) for Applicant Mark Pilarczyk of Fore Property Company, including all actions related or referring to the proposed development of a three and four-story 128-unit apartment building with two levels of subterranean parking located at 908 and 920 Bayswater Avenue and 108, 112, 116, 120, and 124 Myrtle Road ("Project") located in the City of Burlingame, San Mateo County, California. APNs: 029-235-160, -170, -180, -190, -200, -210, and -220.

After reviewing the IS/MND, we conclude the IS/MND fails as an informational document, and that there is a fair argument that the Project may have adverse environmental impacts. Therefore, we request that the City of Burlingame ("City") prepare an environmental impact report ("EIR") for the Project pursuant to the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000, et seq. We reserve the right to supplement these comments during public hearings concerning the Project. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997).

We hereby request that the City send by electronic mail, if possible or U.S. Mail to our firm at the address below notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the City and any of its subdivisions, and/or supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from the City, including, but not limited to the following:

- Notice of any public hearing in connection with the Project as required by California Planning and Zoning Law pursuant to Government Code Section 65091.
- Any and all notices prepared for the Project pursuant to the California Environmental Quality Act ("CEQA"), including, but not limited to:
  - Notices of any public hearing held pursuant to CEQA.
  - Notices of determination that an Environmental Impact Report ("EIR") is required for a project, prepared pursuant to Public Resources Code Section 21080.4.
  - Notices of any scoping meeting held pursuant to Public Resources Code Section 21083.9.
  - Notices of preparation of an EIR or a negative declaration for a project, prepared pursuant to Public Resources Code Section 21092.
  - Notices of availability of an EIR or a negative declaration for a project, prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations.
  - Notices of approval and/or determination to carry out a project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
  - Notices of approval or certification of any EIR or negative declaration, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
  - Notices of determination that a project is exempt from CEQA, prepared pursuant to Public Resources Code section 21152 or any other provision of law.
  - Notice of any Final EIR prepared pursuant to CEQA.

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- └ Notice of determination, prepared pursuant to Public Resources Code Section 21108 or Section 21152.

Please note that we are requesting notices of CEQA actions and notices of any public hearings to be held under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law. This request is filed pursuant to Public Resources Code Sections 21092.2 and 21167(f), and Government Code Section 65092, which requires agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

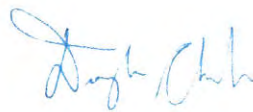
In addition, we request that the City send to us via email, if possible or U.S. Mail a copy of all Planning Commission and Board of Supervisors meeting and/or hearing agendas.

Please send notice by email, if possible or U.S. Mail to:

Richard Drury  
Theresa Rettinghouse  
Lozeau Drury LLP  
410 12th Street, Suite 250  
Oakland, CA 94607  
510 836-4200  
[richard@lozeaudrury.com](mailto:richard@lozeaudrury.com)  
[theresa@lozeaudrury.com](mailto:theresa@lozeaudrury.com)

Please call if you have any questions. Thank you for your attention to this matter.

Sincerely,



Douglas Chermak