

City of Burlingame

*Environmental Review, Commercial Design Review,
and Special Permits*

**Item No. 9f
Regular Action Item**

Address: 620 Airport Boulevard

Meeting Date: June 12, 2023

Request: Application for Environmental Review (CEQA Guidelines Section 15183), Commercial Design Review, and Special Permits for Height and Development under Tier 3/Community Benefits for two, new 9-Story Office/Research and Development buildings.

Applicant and Property Owner: Boca Lake Office, Inc. c/o Jeremy Liu

APN: 026-342-330

Architect: DGA, Inc., c/o Nial Malcolmson

Zoning: BFC (Bayfront Commercial)

General Plan: Bayfront Commercial

Lot Area: 161,128 SF (3.69 acres) and 1.63 acres off-site being improved as part of this project

Adjacent Development: Hotels, office buildings, Anza Lagoon

Current Use: Airport Parking

Proposed Use: Office/Research & Development

Allowable Use: Office, including research and development office with associated laboratories.

Note: This application was reviewed based on the new Zoning Ordinance, which became effective January 5, 2022.

Environmental Review: California Environmental Quality Act (CEQA) Guidelines, Section 15183 is intended to streamline environmental review for projects that are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified. Projects meeting this criteria shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects that are peculiar to a project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.

In evaluating whether a project can utilize this streamlined environmental review based on consistency with the City of Burlingame General Plan (GP) and the GP EIR, CEQA Guidelines Section 15183(b) specifies that examination of environmental effects shall be limited to those effects that:

- Are peculiar to a project or a parcel on which a project would be located.
- Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan with which a project is consistent.
- Are potentially significant offsite impacts and cumulative impacts that were not discussed in the prior EIR prepared for the general plan, community plan, or zoning action.
- Are previously identified significant effects that, as a result of substantial new information that was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

David J. Powers & Associates, Inc. (CEQA consultant) prepared a CEQA checklist under Section 15183 of the California Environmental Quality Act. This is based on an understanding that the proposed project is consistent with the updated Burlingame General Plan. CEQA Guidelines Section 15183 allows for the above streamlined review for projects that are consistent with a general plan for which an EIR has been prepared.

The General Plan EIR evaluated the environmental impacts of the buildout of the Bayfront Area under the 2040 General Plan based on a mix of commercial and office uses and other nonresidential uses such as industrial and hotel uses throughout the City. It was assumed that existing uses in the Bayfront Area would experience a net decrease in industrial and hotel uses in that location due to redevelopment activities. Since adoption of the 2040

General Plan, several projects have been approved and proposed within the Bayfront Area that would exceed the amount of office uses evaluated in the 2040 General Plan EIR for the Bayfront Area. However, there has also been substantially less commercial development within the Bayfront Area than anticipated, and while the General Plan EIR evaluated a particular assumed mix of commercial and office uses, the General Plan allows for differing mixes of commercial and office uses than the particular mix evaluated in the General Plan EIR.

The proposed project would cause an exceedance of the amount of office uses evaluated by the 2040 General Plan EIR for the Bayfront Area. However, there has been significantly less commercial development than was anticipated in 2019 and therefore there is currently an excess of remaining developable commercial square feet within the Bayfront Area, the impact of which the 2040 General Plan EIR already evaluated. Therefore, since the 2040 General Plan EIR evaluated the impacts of excess commercial uses, this CEQA document included a conversion analysis that confirmed that the impacts of the proposed office uses are within the scope of those impacts that have already been evaluated, essentially transferring square footage and the corresponding impacts from the commercial uses already evaluated.

To provide such an evaluation, Fehr & Peers prepared a Land Use Equivalency Analysis Findings Memorandum for the project, dated January 2023. A copy of this Memorandum is included in [Appendix A](#) of the attached CEQA document and is also an attachment to this staff report. In summary, the CEQA document analysis looked at a conversion of land uses to demonstrate that while the project would result in more office development than anticipated by the General Plan EIR for the Bayfront Area, it would not cause additional environmental impacts that exceed the overall nonresidential development evaluated within the Bayfront Area by the 2040 General Plan EIR because of the lack of commercial development that had been anticipated in the General Plan EIR. Analysis of the environmental impacts (e.g., air quality, energy, GHG, roadway noise, and transportation) related to this alternative implementation scenario for non-residential development within the Bayfront Area is included in the various resource topics evaluated in Section 4.0 of the 15183 Checklist.

In addition to the land use equivalency analysis (conversion analysis), technical studies prepared for this checklist include: Air Quality and Greenhouse Gas Assessment, Arborist Report, Avian Collision Risk Assessment, Phase I Site Assessment, Traffic Impact Analysis (TIA), and a Water Supply Assessment (WSA). All of these technical reports are provided as appendices to the Section 15813 analysis. The CEQA checklist examines the impacts of the proposed project, and a discussion follows each environmental issue identified in the checklist. In addition, the General Plan EIR mitigations measures that will apply to the proposed project are included below as conditions of approval.

September 26, 2022 Planning Commission Design Review Study Meeting: This project was first reviewed by the Planning Commission for Environmental Scoping and Design Review Study on September 26, 2022 (see attached September 26, 2022 Planning Commission Minutes). There were five public comments received during the public hearing from residents and environmental groups at the scoping/study session (attached).

The Planning Commission provided comments related to the items to be studied as part of the environmental review. The majority of the discussion at the September 26, 2022 meeting focused on the design of the proposed project.. Please refer to the attached meeting minutes for a detailed list of comments.

After review of the proposed project and consideration of the comments from the September 26, 2022 Design Review Study meeting, the applicant revised the project design in response to these comments (plans date stamped May 18, 2023).

Project Summary: The project site measures approximately 3.7 acres in size and is located on the east side of Airport Boulevard at 620 Airport Boulevard. The property is located north of the Hilton Hotel and in proximity to the Anza Lagoon. The site is currently occupied by a surface parking lot utilized for long-term airport parking and associated shuttle service.. The site sits several feet below the street level and is screened by landscaping.

The project proposes to redevelop the site with two, new 9-story, office/research and development (R&D) buildings that would be located over two levels of parking. This site layout would create a plaza space in between

the buildings. Each building would have its own lobby area with a half-level of screened parking at the plaza level and a half-level of flexible space opening to the plaza (above the two parking levels), each with seven (7) levels of office and/or lab space above. A vehicular drop-off, pick-up, and turnaround area is proposed in between the buildings; emergency vehicle access and service access is provided on the northern and southern edges of the property.

This application is for a new office/R&D building (life science use). While the building would be constructed to accommodate a life science use with larger floor to ceiling heights (15'-9"), the tenant improvements would ultimately determine the end use of the space as either office or a life science use with office, research and development, and laboratories. The building is not being constructed for a specific tenant at this time and may in fact accommodate multiple tenants.

The following applications are required for this project:

- Design Review (Code Sections 25.12.060 and 25.68.020(C)(3)(a));
- Special Permit for building height greater than 65 feet (163.2 feet proposed) (Code Sections 25.12.030, Table 25.12-2 and 25.78.060(A)(2)); and
- Special Permit for Community Benefits for increased Floor Area Ratio for a Tier 3 project (3.0 FAR proposed) (Code Sections 25.12.030, Table 25.12-2, 25.12.040, and 25.78.070(A)).

Building A, the northern building, would be approximately 240,940 SF and Building B, the southern building, would be approximately 240,720 SF for a total of 481,660 SF (excluding parking areas). Each building would be approximately 158'-5" feet tall as measured from average top of curb to the top of the mechanical penthouse; the tallest point would be to the exhaust stacks at 163'-3". The two buildings would sit atop a parking podium. The proposed floor area ratio (FAR) for the site would be 3.0 (3.0 FAR maximum allowed).

Vehicle access to the site would be provided from Airport Boulevard with three driveway approaches. The northern driveway would provide access to surface parking, the center (main) driveway would provide access to the below-grade parking and plaza level drop-off between the two proposed buildings. The southern driveway would provide access to the plaza level parking and below-grade parking. The project would include a total of 838 parking spaces. Of the 838 parking spaces, 84 spaces would include electric vehicle (EV) charging stations. There would be five (5) surface parking spaces located on the northern edge that would be dedicated for users of the abutting Bay Trail. The project includes bicycle storage rooms in both buildings that would accommodate 22 bicycles in each of the lobby areas, with an additional 44 bicycle parking spaces provided outside in front of each building on the plaza level.

The project site does not directly abut the Anza Lagoon but is flanked by the Bay Trail that wraps around the eastern edge of the property. This portion of land is approximately 1.63 acres and is owned by the State Lands Commission. A neighboring property owner currently has a leasehold interest on this portion of the Bay Trail directly abutting the subject property. The applicant however has been working with the State Lands Commission to obtain the rights to make improvements to this land as part of their proposal and has a draft lease agreement pending. These improvements would include approximately 45,000 SF of new landscaping, public pathways, benches, picnic tables, and new terraced seating area facing Anza Lagoon. A network of walkways would be constructed to connect the existing Bay Trail to the public plaza on the project site. Furthermore, the project would also improve approximately 36,000 SF along 0.6 acres of the existing Bay Trail including adjacent landscaping. These improvements would also consist of raising approximately 750 linear feet of embankment at the Anza Lagoon and increasing the embankment with geotextiles shoreline enhancements to support long-term shoreline sea level rise (SLR) resiliency through the end of century, consistent with City goals and the Map of Future conditions adopted by Council in December of 2021. The applicant's full intent is to get the project approved as proposed and obtain approval from the neighboring lease hold interest and the State Lands Commission. A condition of approval has been included that requires proof of both State Lands and Bay Conservation and Development Commission (BCDC) approval prior to building permit issuance.

The base allowable FAR in the BFC Zoning District is 1.0. This zoning district provides opportunity for an increased FAR in return for specific community benefits, with Planning Commission approval through a tiered zoning structure. The applicant is requesting development under Tier 3, which requires a minimum of three (3) community benefits to allow for a 3.0 FAR. The applicant is offering four (4) community benefits as provided in Code Section 25.12.040(C), which include the following:

1. Public Plaza – Development of a 26,000 SF public plaza fronting Airport Boulevard.
2. Publicly Accessible Park Space – Creation of 28,500 SF of improved space abutting the Bay Trail consisting of landscaping, bicycle pathways, seating areas, and large bleacher style seating area facing Anza Lagoon.
3. Climate Change Measures – Raising the finished floor for occupied spaces to end of century elevations to address sea level rise (SLR); energy efficiency and consumption designs includes all electric MEP (mechanical, electrical and plumbing) design to reduce carbon footprint; implementation of a Transportation Demand Management (TDM) Plan.
4. Sea Level Rise Infrastructure – The construction of the project would raise the shoreline, Bay Trail, and adjacent park-like areas to a minimum elevation of 17', providing resilience through the end of the century (per City Council adopted "Map of Future Conditions"); constructing approximately 750 linear feet of raised embankment at the Anza Lagoon.
5. Flexible Significant Community Benefit – The project includes 0.82 acres/35,890 SF of improved bay shore landscaping including rebuilding (paving) and widening the Bay Trail, adding seating areas, new lighting and new shoreline bank protection.

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The following table provides a summary of the project's compliance with the BFC Zoning District development standards (C.S. 25.12.020 and Table 25.12-2).

620 Airport Boulevard**Lot Area:** 161,128 SF (3.69 acres)**Plans date stamped:** May 18, 2023

	Proposed	Allowed/Required
Use and Floor Area Ratio:	office/research & development 3.0 FAR ¹ 481,660 SF	office/research & development 3.0 FAR 483,384 SF
SETBACKS:		
Front: Bldg A: Bldg B:	25'-6" 25'-6"	10'-0"
Left Side: Bldg A: Bldg B:	60'-0" 357'-0"	10'-0"
Right Side: Bldg A: Bldg B:	325'-0" 30'-0"	
Rear: Bldg A: Bldg B:	25'-6" 25'-6"	10'-0"
Between Buildings:	160'-0"	N/A – informational only
BUILDING ENVELOPE:		
Lot Coverage:	39% 62,500 SF	60% 96,676 SF
Building Height:	163.2" to tallest point (roof stacks) 158.5" to top of mechanical penthouses ²	65' above average top of curb (Airport Blvd) Special Permit required for heights exceeding this limit and FAA approval

¹ Special Permit for Development under Tier 3 for increased Floor Area Ratio to 3.0 FAR – with inclusions of at least three Community Benefits (Code Section 25.12.040).

² Special Permit for building height (163.2' proposed where more than 65'-0" requires a Special Permit) (Code Section 25.12.030).

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	Proposed	Allowed/Required
OFF-STREET PARKING:		
Number of Parking Spaces:	Level P1: 45 spaces Level B1: 361 spaces Level B2: 429 spaces 835 total spaces* Compact: 161 spaces (19.2%) Standard: 632 spaces ADA: 17 spaces (some counted under EV too) EV: 84 spaces Clean Air: 101 spaces Motorcycle: 42 spaces	Building A Level 1: 19,150 SF Level 2: 30,240 SF Levels 3 – 8: 191,550 SF (31,925 SF x 6) Total SF: 240,940 SF Building B Level 1: 18,930 SF Level 2: 30,240 SF Levels 3 – 8: 191,550 SF (31,925 SF x 6) Total SF: 240,720 SF TOTAL SF: 481,660 SF (50% office + 50% lab anticipated by applicant) - 240,830 SF each Office: 803 spaces (1:300 SF ratio/241,830 Lab/R&D: 241.69 spaces (1:1,000 SF ratio/241,830) 1,044 spaces x 20% reduction for TDM (209) = 835 SPACES REQUIRED
Compact Spaces:	161 compact spaces (19.2%)	up to 20% of spaces over 20 or 167 spaces max
Parking Space Dimensions:	8.5' x 18' (standard) 8'0" x 17' (compact)	8.5' x 18' (standard) 8' x 17' (compact)
Back-Up Aisle:	24'-0"	24'-0"
Bicycle Parking:	<u>44 spaces (22 per bldg.)</u> 44 bicycle parking space outside (plaza)	Per CalGreen Building Code
Driveway Width:	24'-0" and 30'-0"	Two, 12' wide driveways or one, 18' wide driveway
Driveway Slope:	None > 15% - complies (5-8%)	Slopes > 15% require approval by the Dept of Public Works
Heat Island Reduction:	Complies (Sheet L.02)	At least 50% of surface parking area shall be shaded by durable, permanent shad structures, trees or other approach
EV Spaces:	84 spaces	10% or 84 spaces

	Proposed	Allowed/Required
LANDSCAPING:		
Landscape buffer:	40' landscape buffer provided	Minimum 5' landscape buffer where surface parking lot abuts a public street
Total Site Landscaping:	26% of site (not including Bay Trail) 42,021 SF	20% of total site area 32,225 SF
Landscaping in parking area:	32% 5,814 SF	Parking Area: 18,074 SF (10% parking area: 1,807 SF)

General Plan: In January 2019, the City adopted a new General Plan and certified the Environmental Impact Report (EIR). The General Plan designates this site as Bayfront Commercial. The Bayfront Commercial designation provides opportunities for both local and tourist commercial uses. Permitted uses include entertainment establishments, restaurants, hotels and motels, retail, and higher-intensity office uses. The General Plan Community Character Chapter IV, states that developed in this area should prioritize public access to the waterfront with designated public open space including open space easements to improvement local and regional trail plans, recreation and habitat preservation objectives. Because the project is an office/R&D development, it is consistent with the General Plan's land use designation.

Design Review: Design Review is required for new commercial buildings pursuant to Code Sections 25.12.090 and 25.68.020(C)(3). Design Review was instituted for commercial projects in 2001 with the adoption of the Commercial Design Guidebook to be reviewed by the Planning Commission for the following considerations:

1. Support of the pattern of diverse architectural styles in the area in which the project is located;
2. Respect and promotion of pedestrian activity in commercial and mixed-use zoning districts by placement of buildings to maximize commercial use of the street frontage and by locating off-street parking areas so that they do not dominate street frontages;
3. For commercial and industrial developments on visually prominent and gateway sites, whether the design fits the site and is compatible with the surrounding development;
4. Compatibility of the architecture with the mass, bulk, scale, and existing materials of surrounding development and appropriate transitions to adjacent lower-intensity development and uses;
5. Architectural design consistency by using a single architectural style on the site that is consistent among primary elements of the structure and restores or retains existing or significant original architectural features; and
6. Provision of site features such as fencing, landscaping, and pedestrian circulation that complement on-site development and enhance the aesthetic character of district in which the development is located.

In addition to the Commercial Design Guidelines above, there are design principles for the Bayfront Commercial Zoning District detailed in Code Section 25.12.060 and are required to be reviewed by the Planning Commission for the following considerations;

- A. Design Intent.** Development shall relate to both the street and to the Bay to provide view corridors from and across Bayshore Highway and Airport Boulevard, and to create gateways at key locations. Development shall support the pattern of diverse architectural styles and the role of the shoreline in creating a network of interconnected open spaces.
- B. View Corridor Requirement.** To provide a view corridor, the width of a structure or combined structures on a lot shall not obstruct more than 75 percent of the length of the property line along Bayshore Highway and Airport Boulevard, including setbacks. For purposes of this requirement, structure or combined structures shall not include architectural elements, but may include an elevated podium to accommodate flood elevations and/or parking.
 - Complies – $500' \text{ lot width} \times 75\% = 375'$ max allowed structure length
 $250'$ (50%) combined structure width
- C. Support the Shoreline.** On visually prominent sites and sites with shoreline as defined by the Bay Conservation and Development Commission, design shall fit the site and be compatible with surrounding development, support the Bay Trail and its park and recreational uses, provide for maximum user access, and support recreational use by those who work in the area as well as those who visit. Pedestrian amenities are encouraged along the shoreline adjacent to the Bay Trail.
- D. Orientation.** Building entries shall be readily visible from the street and be easily identifiable, preferably on Bayshore Highway or Airport Boulevard. Buildings that are setback from the street shall have attractively landscaped plazas leading to the main building entry, and seating areas are encouraged in the front setback. Businesses at important intersections are encouraged to locate their entrances at the building corner.
 - To be determined by Planning Commission - Given the requirements under C.S. 25.12.050 related to sea level rise resiliency, the BFE is required to be 17 feet (based on Map of Future Conditions adopted by City Council). Therefore, the proposed finished floor of the plaza/level 1 of the proposed development would be 17'. The two new structures have been designed to be setback from the street with a landscaped plaza and the entrances are oriented more toward the interior plaza. Given that the finished floor level meets the City's sea level rise resiliency map elevations, the project has worked well towards meeting this design objective.
- E. Ground Floor Transparency.** At least 25 percent of the exterior walls on the ground floor or first level facing the street shall include windows, doors, or other openings.
 - The project meets this requirement with 33% first floor transparency as shown on Sheet A-9.
- F. Building Articulation.** Each side of buildings shall have a cohesive approach to design and detail. Articulation of building and structural elements, including windows, entries, and bays shall be achieved. Design features such as canopies, trellis, and grillwork shall be designed as part of the building's composition of design elements. A variety of materials should be used to articulate building elements, such as the base, the ground floor, and upper floors, if any.
- G. Building Design.** The pattern of diverse architectural styles throughout the district and the role of the shoreline in creating a network of interconnected open spaces is encouraged. New developments shall implement a single architectural style for the project, with consistency among primary elements of the structure(s).

- H. Streetscape.** Development shall respect and promote the streetscape through building placement to maximize the commercial use of the street frontage, off-street public spaces, and by locating parking to minimize its impact on street frontages. For properties with any water frontage, design shall be sensitive to the surrounding bodies of water, physical and visual presence of the Bay Trail, and the orientation of the prevailing winds.
- I. Location of Surface Parking.** Surface parking areas shall be located to the sides and rear of the building, when feasible, to encourage a pedestrian-friendly street edge. No surface parking areas shall be located between any structure and the lot frontage, except for limited visitor parking areas. Driveways are allowed in the setback, but the driveways shall not be considered as landscaped area.
- Complies – surface parking is only located on the left side of the lot and is setback 90' from the front property line with a landscape buffer.
- J. Location and Design of Structured Parking.** Structured parking shall be designed to be compatible with the architectural design and materials of the buildings.
- K. Bird Friendly Design.** All development shall incorporate bird-friendly design that minimizes potential adverse impacts to native and migratory birds, such as fritted or patterned glass, projecting architectural features, lighting design, and screening with trees.
- Bird-friendly design elements that have incorporated into the project are noted on Sheets A-14 through A-17 and include the following:
 - Exterior glazing is composed of 45% opaque glazing. Glazing is high-performance to meet T24 energy requirement.
 - Exterior glazing system utilizes shadow boxes (recessed surfaces) to variegate exterior appearances.
 - Mullion extensions are provided in a random pattern to break up exterior expanses of glass.
 - External lighting will be minimized and shielded.
 - Level 1 is recessed from the upper floors.
 - Bird safe UV coating is applied to the bottom 60' of vision glazing.
- L. Protection of the Bay Environment.** Site features shall include orientation to minimize wind obstruction on San Francisco Bay, protection of the Bay environment, and landscaping and pedestrian circulation that enrich and enhance the existing recreation opportunities of the area, including extension of the Bay Trail as well as the commercial neighborhood.
- The exterior materials are detailed on the building elevations on Sheet A-14 and also on Sheet A-21. The materials include: high performance glass, clear glass, aluminum metal cladding, shadow boxes, mullion extension fins, louvers and mechanical roof screens, split face CMU, concrete/stone ledger veneer, stabilized crushed stone, cast in place concrete with integral color and exposed aggregate finish.

Request for Special Permit for Building Height: The maximum building height allowed by right in the BFC Zoning District is 65 feet. Code Sections 25.12.030, Table 25.12-2 and 25.78.060(A)(2) state that properties in this district may exceed 65 feet in height with approval of a Special Permit. The applicant is requesting a Special Permit for the office/R&D building which would have an overall building height of 158.5 feet, as measured from the average top of curb elevation along Airport Boulevard to the top of the mechanical penthouse; 163.2 feet is the maximum height as measured from average top curb to the exhaust stacks. On the rooftop, the proposed project would include a mechanical penthouse, an elevator penthouse/overrun, exhaust stacks, stair penthouse and freight elevator. These utilities would be located in the center of the building and would occupy approximately 17.7% of the rooftop surface. A 14-foot tall louvered roof screening (as shown on sheet A-14) would surround the exterior perimeter of the combined utilities. Please refer to the attached Special Permit Application completed by the applicant.

The project must also comply with Federal Aviation Administration (FAA) standards and has already received a “Determination of No Hazard to Air Navigation” for the project, dated July 18, 2022.

Request for Tier 3/Community Benefits: To provide an incentive for development, and in partnership with the City to provide community benefits that would not otherwise be created, the Planning Commission may grant increased FAR in return for provision of specific community benefits, if doing so is in the City’s interest and would help implement the General Plan and further, if these benefits cannot be realized without granting increased FAR. The BFC zoning standards include “tiered” development standards requiring community benefits to be included in projects in order to achieve the highest FAR.

The developer is requesting approval to develop this property consistent with Tier 3 development standards. Planning Commission approval is required for Tier 3 projects if it is determined that the project includes at least three (3) community benefits. These benefits are intended to provide public benefits in excess of the City’s normal requirements that would improve the quality of life of employees, residents, and/or visitors, or assist the City in implementing an approved plan or policy. The developer is proposing to provide the following five (5) community benefits (minimum of three (3) are required):

- Public Plaza – Section 25.12.040(C)(1). – The applicant is proposing a public plaza as one of its community benefits under the Tier 3 development. The plaza would be located in between Building A and Building B and would be 26,000 SF in area. It would be accessible from Airport Boulevard and the Bay Trail. This area would provide short term bicycle parking, garden paths, drought tolerant native plants, lighting throughout the plaza, shade trees and public seating areas including trash and recycling receptacles.
- Publicly Accessible Park Space – Section 25.12.040(C)(2). - The project includes providing approximately 1 acre of improved park space in between the Bay Trail and rear property line that would look out onto the Anza Lagoon. This area would include landscaping, public pathways, terraced bleacher style seating area for scenic views of the lagoon and the Bay. This area would have native plantings and trees and would include paths connecting the Bay Trail to the public plaza. There would also be accommodations for interpretive signage and/or public art features.
- Climate Change Measures - Section 25.12.040(C)(11). – The project has been designed to include climate change measures to address sea level rise (SLR), energy efficiency and consumption as well as other environmental protections. The building would be all electric with the MEPs (mechanical, plumbing and electrical) designed to reduce the carbon footprint. The building is located along a high-quality transit corridor (Airport Boulevard) because there will be transportation shuttles that operate in 15 minute increments during peak commute times. The project would implement a Transportation Demand Management (TDM) Plan to reduce single trips and driving to the site to reduce traffic impacts and lower emissions. The site would be designed with on-site water filtration for landscape designed to retain and mitigate storm water runoff. All of the native landscape materials would have lower water requirements and the site would be designed with efficient irrigation.
- Sea Level Rise (SLR) Infrastructure - Section 25.12.040(C)(12). – The project includes improvements that would enhance long-term shoreline SLR resilience. The occupied building levels would have a minimum elevation of 17 feet. This elevation is based on the “Map of Future Conditions” adopted by Burlingame’s City Council and is intended to provide sea level rise resilience through the end of the century. These improvements also include 750 linear feet of raised embankment designed for resiliency with geotextiles for adaptations through the end of century. The project improvements would raise the shoreline, bay trail, and adjacent improvements (publicly accessible park space) to a minimum elevation of 17 feet.
- Flexible Significant Community Benefit – Section 25.12.040.C.13. - The project includes providing improvements to 0.82 acres/35,890 SF of off-site improvements on the State Lands parcel that wraps around the eastern (Bay side) of the subject property. This area would include improving the Bay Trail by

adding and restoring landscaping, rebuilding the Bay Trail to widen the trail to current standards with new paving. There would be new site lighting along the Bay Trail as well as seating areas with benches at the shoreline. There would be secondary paths created through native planning areas and new shade trees along with Bay Trail with wayfinding signage installed.

Please refer to the attached Special Permit form completed by the applicant for development under the Tier 3 standards. In addition to the Special Permit, the applicant has provided detailed visual and written overview for the proposed Community Benefits with a legend map and detailed sheets with graphics provided for each of the offered benefits (see attachment).

Off-Street Parking/Transportation Demand Management (TDM) Plan: With the proposed project, there would be a total of 483,380 SF of office and/or R&D uses on the site. Code Section 25.40.030 requires 1 space per 400 SF for office uses or 1 space per 1,000 SF of laboratory/R&D. If the entire building is utilized for office only, a total of 1,611 off-street parking spaces would be required. If the building is utilized entirely as lab/R&D, 483 off-street parking spaces would be required. In a more likely scenario where 50% of the building is used for office and 50% is used for lab/R&D, a total of 1,047 off-street parking space would be required.

The required off-street parking may be reduced by 20% through implementation of a Transportation Demand Management (TDM) Plan per the City's Climate Action Plan policies and the Transportation Demand Management Chapter 25.43, which requires a TDM Plan for any nonresidential development of 10,000 SF or more (see also discussion below). Without a TDM Plan, the proposed project would require 1,044 parking spaces, assuming 50% office and 50% lab/R&D. However, the applicant has provided a TDM Plan and the project has been designed to be parked assuming 50% (240,830 SF) as office and 50% (240,830 SF) as lab/R&D providing 835 on-site spaces, which meets the code requirement parking ratio of 1 space per 300 SF for office and 1 space per 1,000 SF of lab/R&D, with a 20% parking reducing applied (with the TDM Plan).

Of the 835 parking spaces for the new building, 84 spaces would be electric vehicle (EV) charging stations, 100 would be clean air parking spaces, and 42 would be motorcycle spaces. There would also be 14 surface parking spaces located along the north side of Building A and five (5) of these spaces would be dedicated for users of the abutting Bay Trail, as required by the BCDC. The project would also include a bicycle storage room with capacity for 22 bicycles per building, with an additional 44 short-term bicycle parking spaces on the exterior of the buildings within the plaza area.

A TDM Plan was prepared by Fehr & Peers for the proposed project (see attached TDM Plan, dated July 2022, part of Appendix L of the CEQA document). The purpose of the TDM Plan is to define specific TDM measures to be implemented by the project to meet the City's TDM goal, which is that at least 20% of all employees regularly commute to work using modes other than single occupant vehicles (SOVs) or use an alternative work hour schedule. This would help to reduce traffic congestion, reduce greenhouse gas emissions and other air pollution, and reduce the demand for parking.

The TDM Program is a component of the City/County Association of Governments of San Mateo County (C/CAG) Congestion Management Program (CMP) which provides guidelines for analyzing the impact of land use decisions made by municipalities in San Mateo County. Starting this year, the C/CAG TDM Policy requires that local jurisdictions implement specific measures to reduce SOV trips of all new developments that are expected to generate at least 100 average daily trips (ADT). C/CAG requires applicable projects to submit a TDM checklist, which outlines required TDM measures and strategies for different project sizes and uses, and monitor the program effectiveness beginning with a tenant travel survey two years after project occupancy. This is in addition to the reporting requirements prescribed in the City's TDM regulations (Chapter 25.43). See Appendix A of the attached TDM Plan for the C/CAG non-residential TDM checklist.

The proposed project would benefit from the allowed 20% parking reduction and the TDM Plan provides implementation measures to encourage alternative forms of transportation and to reduce the parking demand. Proposed TDM measures are described in greater detail in the TDM Plan, but in summary they include the following:

- Bicycle Facilities - The Project would include 44 enclosed bicycle parking spaces and 44 short term bicycle racks outside in the center public plaza area and would provide facilities that encourage commuting to work by bicycle, including maintenance of secure bike parking, a bike repair station, showers, personal lockers, and changing areas.
- Increase Job Density – The Project provides higher job density compared to the national job density average. Higher job density results in shorter and fewer trips by single-occupancy vehicles. This measure also takes into account the presence of on-site complimentary land uses and amenities that would support reduced vehicle trips by providing services on-site.
- Ridesharing Program - Ridesharing encourages carpooled vehicle trips in place of single-occupied vehicle trips, thereby reducing the number of trips, VMT, and GHG emissions. This measure will implement a ridesharing program and establish a permanent transportation management association with funding requirements for employers.
- Carsharing Program – Carsharing offers people convenient access to a vehicle for personal or commuting purposes. This helps encourage transportation alternatives and reduces vehicle ownership, thereby avoiding VMT and associated GHG emissions.
- Commute Trip Reduction Marketing- C/CAG requires tenants to actively participate in Commute.org or a Transportation Management Association Equivalent program. This task requires information sharing and marketing by building tenant/employer to promote and educate employees about travel choices options for accessing the project site and guaranteed ride home service. C/CAG requires the tenant provide a transportation coordinator or an employee who will be responsible for supplying orientation and information to encourage employees to use non-SOV modes of commuting to work.
- Subsidized or Discounted transit passes – C/CAG's TDM Program requires a subsidy of up to \$50 or 30% of the value of a monthly fare, whichever is less expensive. The proposed project would include a program that would provide such a subsidy.
- Provide Employer-Sponsored Vanpool - This measure would require that an employer-sponsored vanpool service be established to promote cost-effective and convenient rideshare option for groups of 5 to 15 people. In most cases, vanpooling vehicles are leased and provided by employers, non-profit organizations, government agencies, or public-private partnerships. Tenants/employers should provide incentives, including financial, to help facilitate participation. The reduction measure equates to approximately 2 vanpool vehicles for every 1,000 employees.
- Extend Transit Network Coverage or Hours – This measure would expand the local transit network by either adding or modifying existing transit service or extending the operation hours to enhance the service near the project site. Starting services earlier in the morning and/or extending services to late-night hours can accommodate the commuting times of alternative-shift workers. This would encourage the use of transit and therefore reduce VMT and associated GHG emissions.
- Encourage Flex Time, Compressed Workweeks, and Telecommuting – Allowing flextime gives employees some flexibility in their daily work schedules. Flextime reduces peak period congestion directly by shifting trips to before or after peak periods and can also make ridesharing and transit use more feasible. Compressed work week allows employees to work fewer but longer days, thereby reducing the need to commute on the employee's day off. Telecommuting functions similarly, allowing employees to work from home rather than the office, reducing vehicle travel on the days they work remotely.

There are other measures recommended in C.S. 25.43.030 that could be implemented once the tenants are known for this building, and such measures can be added to the TDM program. These include free preferential carpool and vanpool parking and loading zones, and on-site amenities.

Evaluating the performance and success of the TDM Plan is essential to ensure TDM measures are implemented and effective. C.S.25.43.070 lays out specific requirements for TDM monitoring and evaluation. This code section states that the TDM holder (employer) is required to designate an official contact for the TDM program. This person would be responsible for administering carpool and vanpool ride-matching services and promotional programs and providing updated information on the information boards/kiosks; this person would be the official contact for the administration of the TDM annual report. The name and phone number of the designated TDM contact is required to be provided to the City.

This section also requires that a TDM annual report to be submitted to the City of Burlingame. The report must be prepared by a qualified, independent consultant and paid for by the owner (or if applicable, tenant). The initial, or baseline, driveway trip count report is to be conducted and submitted one year after the granting of a certificate of occupancy for 75 percent or more of the project and then annually. The TDM report is required to consist of a quantitative measure of whether the volumes at the site's driveways are meeting the goal. This annual report also needs to include information about the level of alternative mode-uses and/or provide trip counts, and in the event a 20 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 must 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 a 20 percent reduction in peak-hour vehicle trips.

A Traffic Impact Analysis Report (TIA) was prepared by Fehr and Peers, dated January 2023. This document has been reviewed by the City of Burlingame traffic engineers. The purpose of the report is to evaluate the project's traffic impacts to the surrounding transportation system pursuant to requirements under CEQA; in addition this document studies intersection operations to help determine the overall potential project impacts to City infrastructure outside of the purview of CEQA.

Landscaping: Landscaping proposed on and off the site is shown on the landscape plans, sheets L0.00 through L2.02. There is a significant amount of landscape improvements proposed (on and off site) as detailed in the community benefits section above.

The project would remove approximately 44 existing trees, eight (8) of which require a Tree Removal Permit. There would be approximately 191 new trees planted. Landscaping would be provided throughout the project site, including in the plaza area, along the Bay Trail, and around the perimeters of the proposed buildings and surface parking lot. The proposed on-site landscaping area would total approximately 35,625 SF, and the off-site landscape improvements on the Bay Trail would total approximately 70,000 SF.

The BFC Zoning District development standards require that 20% (32,225 SF) of the site be landscaped; the project is proposing 26% landscaping or 42,021 SF. In addition to this requirement, the code requires that a minimum of 10% (1,807 SF) of the parking area be landscaped and 32% (5,814 SF) of the surface parking area is proposed to include landscaping in compliance with this requirement.

Sea Level Rise Infrastructure: Flood and sea level rise performance guidelines for projects in the Bayfront Commercial District are provided in Code Section 25.12.050. The intent of the guidelines is to provide sea level rise resiliency to the end of century and remove the Bayfront from the FEMA flood map. Section 25.12.050(A) allows variations from the guidelines to encourage sound site planning and development practices, provided any such variation shall meet the overall intent of the particular standard and remain consistent with the General Plan.

Per Code Section 25.12.050(A), the project proposes resilience to sea level rise, with protection built to a minimum elevation of 17 feet to provide sea level rise resilience through end of century. The project has been designed for adaptation to a minimum 17 feet shoreline elevation to accommodate projected sea level rise through end of century. Recognizing the investment and benefit to the community of such improvements, Code Section 25.12.040(C)(12) allows shoreline sea level rise protection to be counted as a community benefit.

Shoreline Improvements/Bay Conservation and Development Commission (BCDC): On August 15, 2022 the proposed project was initially reviewed by BCDC's Design Review Board. Evidence of final approval by the BCDC Board will be required to be provided to the City prior to building permit issuance. The project includes improving approximately a half an acre of shoreline and Bay Trail areas that abut the subject property. The Bay Trail is owned by the State Lands Commission and is currently leased to a nearby property owner. While the area is not owned by the applicant, they are proposing to widen the existing stretch of the Bay Trail that wraps the subject property and would include significant improvement including adding seating, lighting, and native landscaping. The elevation of this improved Bay Trail would be increased to 17 feet to address sea level rise, (end of century estimated elevation) and as recommended on the City's "Map of Future Conditions".

The proposed podium on which the proposed buildings would stand would have a base flood elevation of approximately 17 feet to accommodate the sea level rise anticipated by the City of Burlingame's Map of Future Conditions. The project would also include a sea-level rise interpretive feature on the southwest corner of the site, adjacent to the existing sidewalk along Airport Boulevard. The project would include a public pedestrian walkway connecting Airport Boulevard to the proposed plaza. From the plaza, a network of walkways would be provided that connect to the existing Bay Trail at several locations adjacent to the project site.

Public Facilities Impact Fees: The purpose of public facilities impact fees is to provide funding for necessary maintenance and improvements created by development projects. Public facilities impact fees are based on the uses and the amount of square footage to be located on the property after completion of the development project. Based on the proposed Office/R&D building, the estimated public facilities impact fees for this development project are approximately \$4,632,502.00 and is required to be paid in full, prior to issuance of the building permit. The final fee amount will be calculated based on the fee schedule in effect at the time the building permit is issued.

Commercial Linkage Fees: Commercial Linkage Fees are based on the land use and square footage for new commercial development projects. The intent of this fee is, in summary, to offset the demand for affordable housing that is created by new development and mitigate environmental and other impacts that accompany new commercial development. These fee calculations include gross square feet of floor area, excluding enclosed parking areas. In addition, the rates vary for prevailing wage and non-prevailing wage for labor used for the construction of the project. The fees for office uses are charged per square feet (\$20.00 per SF if utilizing prevailing wages or \$25.00 per SF if not utilizing prevailing wages).

Based on the proposed Office/R&D building, the estimated Commercial Linkage Fee for this development project totals approximately \$12,084,500 without prevailing wage and \$9,667,600 with prevailing wage. The fee is required to be paid in full, prior to issuance of the building permit. The final fee amount will be calculated based on the fee schedule in effect at the time the building permit is issued.

Design Review Criteria: The Commission should review the design of the project for the following considerations for commercial development, as outlined in Code Section 25.68.060(E):

- Support of the pattern of diverse architectural styles in the area in which the project is located;
- Respect and promotion of pedestrian activity in commercial and mixed-use zoning districts by placement of buildings to maximize commercial use of the street frontage and by locating off- street parking areas so that they do not dominate street frontages;
- For commercial and industrial developments on visually prominent and gateway sites, whether the design fits the site and is compatible with the surrounding development;
- Compatibility of the architecture with the mass, bulk, scale, and existing materials of surrounding development and appropriate transitions to adjacent lower-intensity development and uses;

- Architectural design consistency by using a single architectural style on the site that is consistent among primary elements of the structure and restores or retains existing or significant original architectural features; and
- Provision of site features such as fencing, landscaping, and pedestrian circulation that complement on-site development and enhance the aesthetic character of district in which the development is located.

Required Findings for Design Review: Any decision to approve a Major Design Review application shall be supported by written findings addressing the criteria set forth in Chapter 25.68. In making such determination, the following findings shall be made:

1. The project is consistent with the General Plan and is in compliance with all applicable provisions of Title 25, all applicable design guidelines, all other City ordinances and regulations, and most specifically, the standards established in the Design Review Criteria above, as applicable.
2. The project will be constructed on a parcel that is adequate in shape, size, topography, and other circumstances to accommodate the proposed development; and
3. The project is designed and arranged to provide adequate consideration to ensure the public health, safety, and general welfare, and to prevent adverse effects on neighboring property.

Suggested Findings for Design Review: The project may be found to be compatible with the requirements of the City's criteria for design review based on the following:

- That the proposed Office/R&D project is consistent with the General Plan designation of Bayfront Commercial and is in compliance with all applicable provisions of Title 25, with the exception of the Special Permit for Building Height and for Community Benefits for Increased Floor Area Ratio for a Tier 3 Project; that the project will be replacing a long-term airport parking lot and will provide a modern architectural style on a bay/lagoon fronting property; the new buildings will feature a variety of materials including high performance glass, clear glass, aluminum metal cladding, shadow boxes, mullion extension fins, louvers and mechanical roof screens, split face CMU, concrete/stone ledger veneer, stabilized crushed stone, cast in place concrete with integral color and exposed aggregate finish. The fins provide visual interest and will add detail to the structure; these materials will blend with the existing office and hotel buildings in the area and will also be compatible with the newer buildings in the surrounding area.
- That as shown on the development table and on the proposed plans, the project will be constructed on a parcel that is adequate in shape, size, and topography to accommodate the proposed development.
- That the proposed project respects and promotes pedestrian activity in this district with the overall site design with the parking entrance located on the south side, not facing the street; there would only be a small number of surface parking spaces provided on-site that will be tucked at the rear of the building primarily serving Bay Trail users.
- That the project is designed and arranged to provide adequate consideration to ensure the public health, safety, and general welfare, and to prevent adverse effects on neighboring property in that the proposed project will encourage pedestrian activity through improvements to the sidewalk and streetscape on Airport Boulevard, including a new 26,000 SF public plaza with inviting night lighting and landscaping, and improvements to the Bay Trail. A continuous pedestrian path through the center of the site connects Airport Boulevard to the center plaza and then to the shoreline improvements.
- That the site is located on the southern portion of the Bayfront adjacent to a mix of hotels and office buildings. The building heights in this area include several hotels ranging from six to nine stories, a

recently approved eight story office building that is currently under construction, a 13-story building that was approved at the end of 2022, and five to eight-story existing buildings located to the south of the project site. While the proposed project would consist of two 9-story buildings, it is adjacent to an existing 15-story hotel and will fit in to the mix fabric along Airport Boulevard. Therefore, it will be compatible with the mass and bulk of buildings in the area and will be consistent with the overall heights established in the General Plan and the Zoning Code.

- That the proposed on-site landscaping and off-site improvements, including the planting of 191 new trees on-site and off-site, will enhance this site that fronts on the Anza Lagoon and is prominently viewed from Highway 101 and Airport Boulevard. That the proposed project would significantly improve the pedestrian experience along Airport Boulevard and the pedestrian and bicyclist experience along the Bay Trail, provide substantial new amenities along the Bay Trail that would be accessible to the public, promote accessibility to the Bay Trail, and enhance shoreline resilience to and protection from sea-level rise.

Required Findings for Special Permit: Any decision to approve a Special Permit application in the BFC Zoning District pursuant to Chapter 25.78 shall be supported by written findings. In making such determination, the following findings shall be made (as outlined in Code Section 25.78.060(B)):

1. The proposed modification to standards respects and preserves the character of the neighborhood in which the project is located;
2. The proposed modification to standards results in a project that is designed and arranged to provide adequate consideration to ensure the public health, safety, and general welfare, and to prevent adverse effects on neighboring properties; and
3. The additional development capacity is consistent with General Plan goals and policies.

Suggested Findings for Special Permit (Building Height): The project may be found to be compatible with the findings for a Special Permit based on the following:

- That while the proposed two, 9-story buildings are a modification to the 65-foot height limit, the proposed project has been designed to respect and preserve the character of the Bayfront neighborhood in that the project site is located immediately adjacent to an existing 15-story hotel; while the new buildings at 9-stories will be a change to existing surface parking use on this site, the project has been designed to maintain view corridors with a large plaza between the two buildings. Given that below grade parking is not generally designed into Bayfront projects given geologic conditions, the on-site parking has been incorporated into the overall design resulting in the increased height; overall the height is in context with surrounding hotel and office buildings, with the upper limit being 15 stories.
- That the proposed project will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare or convenience, since it is well articulated and includes high quality materials and will be compatible with buildings in the area that range in from 5 to 15 stories in height; the proposed modification will allow additional height and result in a higher intensity office/research and development use that will allow the development to occur on a smaller footprint, which opens space for the development of larger public amenities around the site with the public plaza and publicly accessible spaces that will be created with the redeveloped Bay Trail. The additional height will be consistent with existing character of the Bayfront district; that the proposed height of the building is consistent with the goals and policies of the Burlingame General Plan.

Suggested Findings for Special Permit (Increased Floor Area Ratio with Approval of Community Benefits): The project may be found to be compatible with the findings for a Special Permit based on the following:

- That the proposed modification to standards respects and preserves the character of the neighborhood

in which the project is located because the Tier 3 development for this project with increased floor area ratio (FAR) facilitates a design that accommodates greater open space and public improvements on-site that complement and also enhance proposed off-site public improvements as well; the proposed FAR is appropriate for this site given the site width and depth; the community benefits proposed improve the pedestrian experience along Airport Boulevard and the pedestrian and bicyclist experience along the Bay Trail, provide substantial new amenities along the Bay Trail that will be accessible to the public, promote accessibility to the Bay Trail, and enhance shoreline resilience to and protection from sea-level rise and therefore respect and preserve the character of the neighborhood in which the project is located.

- That the proposed project will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare or convenience because the 3.0 FAR is not anticipated to have any significant adverse impact on the environmental on surrounding properties sanitation, air quality, sewer or stormwater discharge, or water supply, and all public safety requirements will be addressed. The proposed development has been designed in compliance with all required setbacks and includes landscape buffers and pedestrian amenities that complement the building design.
- That the proposed height of the building and the additional development capacity, with a Tier 3 development at 3.0 FAR is consistent with General Plan goals and policies.

Planning Commission Action: The Planning Commission should conduct a public hearing on the application and consider public testimony and the analysis contained within the staff report. Affirmative action should be taken separately by resolution and include findings supporting the Planning Commission's decision. The reasons for any action should be stated clearly for the record.

1. Environmental Review pursuant to CEQA Guidelines Section 15183;
2. Commercial Design Review;
3. Special Permit for building height greater than 65'-0"; and
4. Special Permit for Community Benefits for increased Floor Area Ratio for a Tier 3 project.

At the public hearing the following conditions should be considered:

1. that the project shall be built as shown on the plans submitted to the Planning Division date stamped May 18, 2023, sheets A-1 - A-21, sheets EXH-01 - EXH-03, sheet C100-C302, sheets L0.00 – L2.02, sheet LPL.01 – LPL.02;
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 Planning Commission; 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 building, which would include changing or adding exterior walls or parapet walls, or changes to building materials, exterior finishes, windows, architectural features, roof height, and amount or type of hardscape materials shall be subject to Planning Division or Planning Commission review (FYI or amendment to be determined by Planning staff);
4. that construction of the foundation systems for the building and parking garage shall not include pile driving;

5. that the conditions of the Building Division's March 14, 2023 memo, the Fire Division's March 27, 2023 memo, the Engineering Division's June 2, 2023 memo, the Parks Division's May 31, 2023 memo, and the Stormwater Division's May 31, 2023 memo shall be met;
6. that prior to issuance of a building permit for the project, the applicant shall pay in full the commercial linkage fee (final fee amount to be calculated based on the fee schedule in effect at the time the building permit is issued), made payable to the City of Burlingame and submitted to the Planning Division; fees shall be payable to the City of Burlingame and submitted to the Planning Division;
7. that prior to issuance of a building permit for the project, the applicant shall pay in full the Public Facilities Impact Fee (final fee amount to be calculated based on the fee schedule in effect at the time the building permit is issued), made payable to the City of Burlingame and submitted to the Planning Division; fees shall be payable to the City of Burlingame and submitted to the Planning Division;
8. that the project design measures outlined in the Water Supply Assessment, dated November 2022, prepared by EKI Environment & Water Inc., shall be included on the plans submitted to the Building Division; including installing purple piping in the frontage of the project site for future recycled water usage; implementing the Prescriptive Compliance Option of the Model Water Efficient Landscaping Ordinance (MWELO - see California Code of Regulations Title 23, Chapter 2.7, Appendix D); installing 100% WaterSense labeled products, as available; and Under Leadership in Energy and Environmental Design (LEED) certification, incorporate a minimum of four points under the Water Efficiency credit category;
9. that the project shall include the Transportation Demand Management Measures as proposed in the Transportation Demand Management Plan, prepared by Fehr & Peers, dated July 2022;
10. that a TDM annual report shall be prepared by a qualified professional 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;
11. that the TDM annual report shall provide information about the level of alternative mode-uses and in the event a 20 percent reduction in trip generation compared to the standard rate estimated by the Institute of Transportation Engineers (ITE) Trip Generation Manual (10th Edition) is not achieved, 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 reduction in trip generation;
12. that the City may consider whether the employer/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;
13. that prior to the issuance of a certificate of occupancy, 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;
14. that if the project will utilize shuttles under the jurisdiction of the Peninsula Traffic Congestion Relief Alliance (Commute.org), the employer/tenant shall coordinate with Alliance staff;
15. that prior to issuance of a building permit for vertical construction, the project sponsor shall verify that the July 18, 2022, FAA Determination of No Hazard to Air Navigation for the project is still current and has

not expired (January 18, 2024) and if expired, a new FAA Determination of No Hazard to Air Navigation shall be submitted to the City of Burlingame prior to building permit issuance for vertical construction;

16. that the applicant shall provide evidence of project approval for all Bay Trail improvement from the Bay Conservation and Development Commission (BCDC) prior to building permit issuance;
17. 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 for vertical construction and the street trees will be protected during construction as required by the City Arborist;
18. that the approximately 1.63 acres of off-site streetscape improvements (Community Benefit #2, #12, #13), abutting Anza Lagoon, shall be approved by the State Lands Commission (State of California - property owner) and the Bay Conservation and Development Commission (BCDC) prior to issuance of a building permit; this area shall be improved as shown on the plans date stamped May 18, 2023 and shall be maintained by the applicant;
19. that an Amendment to the entitlements approved herein shall be required if the approximately 1.63 acres of off-site streetscape improvements (Community Benefit #2, #12, #13), abutting Anza Lagoon, is not approved by the State Lands Commission (State of California - property owner) for lease by the applicant for the improvements per the plans dated May 18, 2023, since this area contains three of the Community Benefits allowing development of this under Tier 3;
20. that the applicant shall install shoreline infrastructure to the full elevation specified in the City of Burlingame Map of Future Conditions. However, in-lieu of installing shoreline infrastructure to the full elevation specified in the City of Burlingame Map of Future Conditions, the applicant may do both of the following:
 - (a) install shoreline infrastructure to an elevation equal to the FEMA Coastal BFE + 3.0 feet that is FEMA-certified (conforming to Title 44, Section 65.10 of the Code of Federal Regulations); and
 - (b) dedicate a Public Use Easement to the City and/or the San Mateo County Flood and Sea Level Rise Resiliency District (District) across the 100-foot shoreline band to accommodate the full elevation of required shoreline infrastructure improvements which easement expressly allows the City and/or District to install such improvements within the Public Use Easement. Any Public Use Easement must be reviewed and approved by the City and the District prior to recordation, which approval shall not be unreasonably withheld.
21. that prior to issuance of a building permit for the superstructure, the applicant shall execute an agreement with the City identifying the landowner's ongoing maintenance obligations for the shoreline infrastructure approved as part of the development;
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;

23. 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;
24. that demolition or removal of the existing structures and any grading or earth moving on the site shall not occur until a site work 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;
25. 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;
26. that storage of construction materials and equipment on the street or in the public right-of-way shall be prohibited;
27. 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;
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 for vertical construction; 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 construction during the wet season 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 for vertical construction;
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 the applicant shall comply with Ordinance 1503, the City of Burlingame Storm Water Management and Discharge Control Ordinance;
35. that this project shall comply with Ordinance No. 1477, Exterior Illumination Ordinance;
36. that the project shall meet all the requirements of the California Building and Uniform Fire Codes, as amended by the City of Burlingame;

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

37. that prior to scheduling the foundation inspection a licensed surveyor shall locate the property corners, set the building envelope;
38. that prior to the underfloor frame inspection the surveyor shall certify the first floor elevation of the new structure;
39. 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;
40. 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;
41. 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;

The following conditions of approval are mitigation measures from the General Plan EIR that the project will be required to comply with as identified in the 15183 checklist prepared for the project:

42. that the applicant shall require all construction contractors to implement the basic construction mitigation measures recommended by the Bay Area Air Quality Management District (BAAQMD) to reduce fugitive dust emissions. Additional measures may be identified by the BAAQMD or contractor as appropriate. Emission reduction measures will include, at a minimum, the following measures:
 - All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
 - All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.
43. that all construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA Tier 4 emission standards for particulate matter (PM₁₀ and PM_{2.5}), if feasible. If use of Tier 4 equipment is not available, alternatively use equipment that meets U.S. EPA emission standards for Tier 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices. Alternatively, the applicant can also use alternatively fueled or electric equipment;
44. that Pre-construction nesting bird surveys shall be completed prior to tree removal if removal or construction is proposed to commence during the breeding season (February 1 to August 31) in order to avoid impacts to nesting birds. Surveys shall be completed by a qualified biologist no more than 14 days before construction begins. During this survey, the biologist or ornithologist shall inspect all trees and other possible nesting habitats in and within 250 feet of the project boundary. If an active nest is found in an area that would be disturbed by construction, the ornithologist shall designate an adequate buffer zone (~250 feet) to be established around the nest. The buffer would ensure that nests shall not be disturbed until the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts. The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Community Development Director, prior to the removal of trees and issuance of a grading permit or demolition permit;
45. *Bird Protection Measures*
- That bird-safe glazing treatment shall be applied such that the north, east, and west facades of the proposed buildings consist of no more than 10 percent untreated glazing.
 - Bird-safe glazing treatment may include fritting, netting, permanent stencils, frosted glass, exterior screens, physical grids placed on the exterior of glazing, or ultraviolet patterns visible to birds. To qualify as Bird-safe glazing treatment, vertical elements of the window patterns should be at least 1/4 inch wide at a maximum spacing of four inches, or have horizontal elements at least 1/8 inch wide at a maximum spacing of two inches.
 - Trees and tall shrubs shall be located directly adjacent to glazing (within three feet) to slow birds down on approach or placed far enough away to avoid reflecting canopies in the glazing.
 - Provide minimal nighttime lighting, both indoor and outdoor, as an additional way to make building more bird-friendly,
 - Provide shielded lighting fixtures,
 - Provide fixtures with seal of approval of Dark-Sky association or equally performing luminaires,
 - No upward lighting shall be provided,
 - Provide astronomical controls with manual override for night time dimming,

- Provide interior shading at perimeter, and
 - Provide astronomical controls with manual override for operation of interior shading devices.
- Additionally, as a condition of approval, the project is required to submit a lighting plan to the Community Development Director prior to issuance of a building permit. The following measures shall be reflected in the lighting plan as a condition of approval:
- All exterior lighting shall be fully shielded to block illumination from shining outward towards the Anza Lagoon to the north. All fixtures on the site shall have a BUG rating of U0, and any fixtures located along the site's southern property line shall have a BUG rating of B0, as follows:
 - U0: 0 lumens (90–180 degrees).
 - B0: 110 lumens high (60–80 degrees), 220 lumens mid (30–60 degrees), and 110 lumens low (0–30 degrees)
 - Except as indicated in the measure above, fixtures shall comply with lighting zone LZ-2, Moderate Ambient, as recommended by the International Dark-Sky Association (2011) for light commercial business districts and high-density or mixed-use residential districts. The allowed total initial luminaire lumens for the project site is 2.5 lumens per square foot of hardscape, and the BUG rating for individual fixtures shall not exceed B3 or G2, as follows:
 - B3: 2,500 lumens high (60–80 degrees), 5,000 lumens mid (30–60 degrees), 2,500 lumens low (0–30 degrees)
 - G2: 225 lumens (forward/back light 80–90 degrees), 5,000 lumens (forward 60–80 degrees), 1,000 lumens (back light 60–80 degrees asymmetrical fixtures), 5,000 lumens (back light 60–80 degrees quadrilateral symmetrical fixtures)
 - Exterior lighting shall be minimized (i.e., total outdoor lighting lumens shall be reduced by at least 30 percent or extinguished, consistent with recommendations from the International Dark-Sky Association [2011]) from 10:00 p.m. until sunrise, except as needed for safety and City code compliance.
 - Interior or exterior blinds shall be programmed to close on all windows from 10:00 p.m. to sunrise in order to block lighting from spilling outward from these windows.

46. *Tree Protection Measures*

- Trees to be preserved are to be protected by a fence which is to be maintained at all times at a minimum distance of the canopy dripline. All fill soil shall be kept out of the tree protection zones (TPZ) both during and after construction.
- Protected trees that have been damaged or destroyed by construction shall be replaced or the city shall be reimbursed, as provided in Section 11.06.090 of the City's Municipal Code.
- Chemicals or other construction materials shall not be stored within the drip line of protected trees.
- Drains shall be provided as required by the director whenever fill soil is placed around protected trees.
- Signs, wires, or similar device shall not be attached to protected trees.
- Should any construction activity take place within the Critical Root Zone (CRZ) of any trees, stress reduction measures shall be implemented. These can include:
 - Air spading and root pruning
 - Fencing
 - Signage on the fencing
 - Biostimulant and growth regulator treatments in advance of disturbance
- Anti-compaction measures shall be implemented inside the CRZ but outside the TPZ if they do not coincide.
- Follow ANSI A300 Pruning Standards when conducting any pruning on trees. Any pruning beyond 20 percent of the tree canopy should be approved by project arborist.

47. *Undiscovered Archaeological Resources.* If evidence of an archaeological site or other suspected cultural resource as defined by CEQA Guideline Section 15064.5, including darkened soil representing past human activity ("midden"), that could conceal material remains (e.g., worked stone, worked bone, fired clay vessels, faunal bone, hearths, storage pits, or burials) is discovered during construction related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted and the City's Community Development Director shall be notified. The project sponsor shall hire a qualified archaeologist to conduct a field investigation. The City's Community Development Director shall consult with the archaeologist to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by a qualified archaeologist and that are consistent with the Secretary of the Interior's Standards for Archaeological documentation. Any identified cultural resources shall be recorded on the appropriate California Department of Parks and Recreation (DPR) 523 (A-J) form and filed with the Northwest Information Center (NWIC);
48. *Report of Archaeological Resources.* If archaeological resources are identified, a final report summarizing the discovery of cultural materials shall be submitted to the City's Community Development Director prior to issuance of building permits. This report shall contain a description of the mitigation program that was implemented and its results, including a description of the monitoring and testing program, a list of the resources found and conclusion, and a description of the disposition/curation of the resources;
49. *Human Remains.* If human remains are discovered at any project construction site during any phase of construction, all ground-disturbing activity within 100 feet of the resources shall be halted and the City's Community Development Director and the San Mateo County Coroner shall be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project sponsor shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. The City of Burlingame shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of State law, as set forth in CEQA Guidelines section 15064.5(e) and Public Resources Code section 5097.98. The project sponsor shall implement approved mitigation, to be verified by the City of Burlingame, before the resumption of ground-disturbing activities within 100 feet of where the remains were discovered;
50. *Unique Paleontological and/or Geologic Features and Reporting.* Should a unique paleontological resource or site or unique geological feature be identified at the project site during any phase of construction, all ground disturbing activities within 50 feet shall cease and the City's Community Development Director notified immediately. A qualified paleontologist shall evaluate the find and prescribe mitigation measures to reduce impacts to a less than significant level. Work may proceed on other parts of the project site while mitigation for paleontological resources or geologic features is implemented. Upon completion of the paleontological assessment, a report shall be submitted to the City and, if paleontological materials are recovered, a paleontological repository, such as the University of California Museum of Paleontology;
51. that all earth-disturbing construction activities on-site shall be performed in accordance with the Occupational Safety and Health Administration (OSHA) Standard Number 1926.62. Prior to issuance of a demolition or grading permit, whichever occurs first, the project contractor shall submit a written compliance program to the satisfaction of the Community Development Director including a description of the specific means that will be employed to ensure that workers are not exposed to concentrations of lead exceeding the acceptable exposure limit of fifty micrograms per cubic meter of air ($50 \mu\text{g}/\text{m}^3$) averaged over an eight-hour period. Measures to be implemented shall include but not be limited to,

additional lead testing on-site, assessing worker exposure, and requiring workers to use personal protective equipment during earth-disturbing activities;

52. In accordance with FAR Part 77, an aeronautical study shall be completed by the FAA for the proposed project which analyzes the final maximum height of the proposed building. The project shall obtain clearance from the FAA in the form of an issuance of Determination of No Hazard prior to the commencement of construction. Any conditions set forth in the FAA Determination of No Hazard shall be incorporated into the project. The aeronautical study and Determination of No Hazard shall be submitted to the Community Development Director; and
53. that the project shall be subject to the applicable construction hour limitations established by the City's Municipal Code. Per Municipal Code 18.07.110, noise-generating construction operations shall be limited to the hours between 8 a.m. and 7 p.m. Monday through Friday, and between 9 a.m. and 6 p.m. on Saturdays, with no construction on Sundays or holidays, per Municipal Code Section 13.04.100. In the Bayfront Commercial (BFC) zone, construction work may begin at 7:00 a.m. instead of 8:00 a.m. on weekdays. However, the use of chainsaws, jackhammers, pile-drivers or pneumatic impact wrenches shall be prohibited from 7:00 a.m. to 8:00 a.m., unless written approval is granted by the building official. Development projects that are subject to discretionary review and that are located near noise-sensitive land uses shall assess potential construction noise levels and minimize substantial adverse impacts by implementing feasible construction noise control measures that reduce construction noise levels at sensitive receptor locations. Such measures may include, but are not limited to: 1) Construction management techniques (e.g., siting staging areas away from noise-sensitive land uses, phasing activities to take advantage of shielding/attenuation provided by topographic features or buildings, monitoring construction noise); 2) Construction equipment controls (e.g., ensuring equipment has mufflers, use of electric hook-ups instead of generators); 3) Use of temporary sound barriers (equipment enclosures, berms, walls, blankets, or other devices) when necessary; and 4) Monitoring of actual construction noise levels to verify the need for noise controls.

Catherine Keylon
Senior Planner

- c. Jeremy Liu, Boca Lake Office Inc., applicant and property owner
DGA Inc., c/o Nial Malcolmson, architect

Attachments:

September 26, 2022 Planning Commission Minutes (Design Review Study Meeting)
Applicant's Response Letter, dated June 8, 2023
Application to the Planning Commission
Commercial Application
Special Permit Applications

- Building Height
- Tier 3 with Community Benefits Summary

Environmental Information Form
Climate Action Plan (CAP) Consistency Checklist
Land Use Equivalency Analysis memorandum, prepared by Fehr & Peers, dated January 23, 2023
Comment Letters

- Sequoia Audubon Society, dated August 11, 2022
- J.M. Hutar, President and CEO, The San Francisco Peninsula, dated September 21, 2022
- Silicon Valley Bike Coalition c/o Anthony Montes, dated September 26, 2022
- Athan LLC c/o Athan Rebelos, dated September 26, 2022
- L. Flint, dated September 26, 2022
- J. Kevranian c/o Broadway Burlingame Business Improvement District, dated May 24, 2023

Planning Commission Resolutions (proposed)
Notice of Public Hearing – Mailed June 2, 2023
Area Map

Separate Attachments

Initial Study - CEQA Streamlined Checklist 15183, dated June 2023, prepared by David J. Powers