

# Section 1

## Introduction

---

### 1.1 BACKGROUND

---

#### The EIR Process Following Release of the Draft EIR

---

A Draft Environmental Impact Report (EIR), pursuant to the California Environmental Quality Act (CEQA), was prepared by the City of Burlingame (City) to disclose the potential environmental effects of the proposed 300 Airport Boulevard Project (Project). The Draft EIR, issued for public review on December 1, 2011, includes a description of the Project, an assessment of its potential effects, a description of possible mitigation measures to reduce significant effects that were identified in the Draft EIR, and a consideration of alternatives that could address potential impacts.

The proposed development would be constructed on the approximately 18.12-acre 300 Airport Boulevard Site (formerly occupied by the Burlingame Drive-In Theater) and includes pedestrian access, open space, and roadway improvements on an approximately 1.57-acre Eastern Shoreline parcel subject to the City's right-of-way. The Project Sponsor for this development is 350 Beach Road, LLC and the project architect is DES Architects + Engineers.

The 47-day public review period for the Draft EIR began on December 1, 2011 and ended January 17, 2012 (since January 16 was a City holiday). During this time frame, the document was reviewed by various State, regional, and local agencies, as well as by interested organizations and individuals. Comment letters on the Draft EIR were received from four public agencies, two private organizations, 100 private individuals, along with one Petition signed by 92 individuals. The public review period also included one Planning Commission (Commission) hearing. The Commission hearing was open to the public and comments during the hearing were received from members of the public and commissioners. Please see Section 2, List of Commentors, for a listing of all agencies, organizations, and individuals who commented on the Draft EIR.

This document responds to written and oral comments on the Draft EIR that were raised during the public review period, and contains revisions intended to correct, clarify, and amplify the Draft EIR. The responses and revisions in this document substantiate and confirm or correct the analyses contained in the Draft EIR. No new significant environmental impacts and no substantial increase in the severity of an earlier identified impact have resulted from responding to comments.

Together, the previously released Draft EIR and this “Responses to Comments” document constitute the Final Environmental Impact Report (Final EIR). As the lead agency, the City of Burlingame must certify the Final EIR before action can be taken on the Project. Certification requires that the lead agency make findings that the Final EIR complies with CEQA.

## Project Description

---

The Project is within the Anza Point Subarea of the *Burlingame Bayfront Specific Plan* (Bayfront Specific Plan)<sup>1</sup> and includes the construction of 767,000 square feet (sf) of new uses including office space or life science uses (at least 689,810 sf), retail uses (up to 18,030 sf), and food services (up to 22,160 sf). These uses would be housed in two five-story buildings, one seven-story building, and one eight-story building. The Project also includes a two-story, 37,000-sf amenities building (included in the 767,000 sf total) that would house a childcare and exercise facility (33,400 sf), a food service area (2,400 sf), and retail spaces (1,200 sf).<sup>2</sup> The Project would provide above- and below-grade structured and surface parking; a reconfiguration of Airport Boulevard; improvements to open space along the San Francisco Bay (Bay) and Sanchez Channel; and an extension of the San Francisco Bay Trail through the 300 Airport Boulevard Site.

Proposed development of the 300 Airport Boulevard Site would require amendments to the Bayfront Specific Plan and zoning regulations to allow for a greater height and floor area ratio (FAR) of a maximum 1.0 (an increase from a maximum 0.6 FAR to change setback requirements, to allow an additional permitted use (incidental food and retail) within the Anza Point North (APN) zoning district and certain changes to parking regulations. Development would also require rezoning of a 0.4-acre portion of the 300 Airport Boulevard Site from the Anza Point South (APS) zoning district to the Anza APN zoning district. The changes to the Bayfront Specific Plan and the APN zoning district regulations would apply to the entirety of the APN subarea and zoning district, which includes the 300 Airport Boulevard Site and an adjacent undeveloped 8.58-acre area referred to as the 350 Airport Boulevard Site. The 350 Airport Boulevard Site is under separate ownership and the City has not received any application for development of this site. Therefore, the Draft EIR analyzed the development of the 300 Airport Boulevard Site on a project-specific basis, and also analyzed the potential effects of proposed planning and zoning changes on the 350 Airport Boulevard Site on a programmatic basis. Prior to approvals for development of the 350 Airport Boulevard Site, additional project-level environmental analysis and approvals would be required subsequent to certification of this EIR.

The EIR is intended to satisfy CEQA's environmental review requirements applicable to the City's approval of rezoning, subsequent City approvals and/or modifications to the Project as proposed, approvals by other responsible agencies, and construction and operation of the Project.

---

<sup>1</sup> City of Burlingame, *Burlingame Bayfront Specific Plan*, Approved April 5, 2004, as amended August 21, 2006.

<sup>2</sup> All square footages and other numerical project data in this Project Description are approximate.

## Significant Unavoidable Environmental Impacts

---

**Significant and Unavoidable Impacts.** Section 21100(b)(2)(A) of the CEQA Guidelines requires that an EIR identify any significant environmental effects that cannot be avoided if the Project is implemented. Most impacts identified for the Project would either be less than significant or could be mitigated to a less-than-significant level. However, Table S-3 of the Draft EIR, on pages S-10 through S-41, identifies the following significant and unavoidable project-level and cumulative impacts:

- Project-generated traffic would have a significant impact on the operation of the Amphlett Boulevard/Poplar Avenue intersection in the City of San Mateo;
- Project-generated traffic would have a significant impact on the operation of six freeway segments;
- Project-generated traffic would have a significant cumulative impact on the operation of ten freeway segments;
- Inconsistency with applicable air quality plans, on both a project level and cumulative level;
- Equipment used for construction activities would result in short-term emission increases of criteria air pollutants and ozone precursors that exceed the 2011 BAAQMD CEQA significance criteria, on both a project level and cumulative level;
- Operational emissions would emit criteria air pollutants and ozone precursors that exceed 2011 BAAQMD CEQA significance criteria, thus resulting in a significant impact, on both a project level and cumulative level;
- The Project would result in a significant impact from both direct and indirect generation of GHG emissions; and
- The Project would conflict with applicable plans, policies, or regulations adopted for the purpose of reducing GHG emissions. The Project would have a significant impact on GHG reduction plans, policies, and regulations.

The Draft EIR analyzed Air Quality and Climate Change impacts based, where applicable, on the updated BAAQMD 2011 CEQA Guidelines. All of the adopted CEQA thresholds of significance, except for the risk and hazards thresholds for new receptors, were effective June 2, 2010. The risk and hazards thresholds for new receptors became effective May 1, 2011. Based on the 2011 CEQA Guidelines, the Draft EIR found that (1) construction emissions of certain criteria air pollutants and ozone precursors (ROGs, NO<sub>x</sub>) would be (a) individually and (b) cumulatively significant, (2) operational emissions of certain criteria air pollutants and ozone precursors (ROGs, NO<sub>x</sub> and PM<sub>10</sub>) would be (a) individually and (b) cumulatively significant; (3) the Project would result individually and cumulatively in a significant impact from generation of GHG emissions (4) the Project would conflict with applicable plans, policies, or regulations adopted for the purpose of reducing GHG emissions resulting in a significant impact thereon.

After the publication of the Draft EIR, the Alameda County Superior Court, in the case *California Building Industry Association v. Bay Area Air Quality Management District* (Case No. RG-10-548693), required BAAQMD to set aside the 2011 CEQA Guidelines pending compliance with CEQA requirements to study the environmental impacts of the Thresholds.<sup>3</sup> The crux of the California Building Industry Association's (CBIA) argument was that the 2011 CEQA Guidelines would have potential environmental effects, for example by incentivizing suburban greenfield development over infill development, and as such the 2011 Guidelines should have been studied under CEQA. The court did not pass judgment on CBIA's substantive argument, but agreed that CBIA had demonstrated that the 2011 CEQA Guidelines could result in environmental effects, and that they must be studied under CEQA before they can be implemented. BAAQMD's previous thresholds ("1999 CEQA Guidelines")<sup>4</sup> would be in effect until BAAQMD completes CEQA compliance for the 2010 CEQA Guidelines.

Under BAAQMD's 1999 CEQA Guidelines, the 300 Airport Boulevard Project would result in fewer significant and unavoidable Air Quality and Climate Change impacts than discussed in the Draft EIR. Under the 1999 CEQA Guidelines, construction-related emissions were considered to be mitigated to less-than-significant levels through implementation of the Guidelines' suite of dust control measures (1999 CEQA Guidelines, pp. 13-15). The 300 Airport Boulevard Project and 350 Airport Boulevard Project would implement these measures under Mitigation Measure AQ-2.1, thus emissions from construction of the Project would be less than significant under the 1999 CEQA Guidelines.

Concerning operational emissions of criteria air pollutants and ozone precursors, emissions of ROG<sub>s</sub> and NO<sub>x</sub> from the 300 Airport Boulevard Project would be less than significant under the 1999 CEQA Guidelines, but PM<sub>10</sub> emissions would remain individually significant and therefore the overall individual impact from operational emission of criteria air pollutants and ozone precursors would remain individually significant and unavoidable. Similarly, cumulative impacts from operational emission of criteria air pollutants and ozone precursors would remain significant and unavoidable.<sup>5</sup>

Concerning GHG emissions, the 1999 CEQA Guidelines did not promulgate thresholds for GHG emissions, thus the Project would not result in a significant impact under the 1999 CEQA Guidelines from emission of GHGs. The Project would comply with the City's Climate Action Plan, as described in this Final EIR, and would not otherwise result in conflict with applicable plans, policies, or regulations regarding reduction of GHG emissions under the 1999 CEQA Guidelines.

Thus, assessing the Project under the 1999 CEQA Guidelines, the Project would result in four fewer significant and unavoidable impacts (construction emissions, operational GHG emissions, and conflict with applicable plans, policies, or regulations regarding reduction of GHG emissions), and would

---

<sup>3</sup> *California Building Industry Association v. Bay Area Air Quality Management District* Case No. RG-10-548693, Statement of Decision, February 14, 2012.

<sup>4</sup> BAAQMD CEQA Guidelines for Assessing the Air Quality Impacts of Projects and Plans. December 1999.

<sup>5</sup> The Draft EIR performed no quantitative analysis of cumulative operational emissions of ROG<sub>s</sub> and NO<sub>x</sub>; cumulative significance was assumed based on the Project being individually significant. Thus it is unclear whether emissions of ROG<sub>s</sub> and NO<sub>x</sub> would be cumulatively less than significant under the previous CEQA Guidelines.

lessen the severity of two significant and unavoidable impacts (individual and cumulative operational emissions of criteria air pollutants and ozone precursors), but these would remain significant and unavoidable.

The ultimate outcome of the 2011 CEQA Guidelines litigation is not established, since an appeal of the Superior Court's decision may be taken. Because of this uncertainty, the analysis of Air Quality Impacts in the Draft EIR will continue to use the more conservative 2010 CEQA Guidelines. This discussion of the analysis under the 1999 CEQA Guidelines is set out to provide additional information concerning the Air Quality and Climate Change impacts of the Project.

## **Project Alternatives**

---

Section 15126.6(a) of the CEQA Guidelines states that “An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of a project, and evaluate the comparative merits of the alternatives.” Therefore, in addition to the Project, the Draft EIR considered and evaluated three alternatives, as enumerated below. These alternatives are described in more detail in Section 5, Alternatives, of the Draft EIR.

- **No Project Alternative 300 Airport Boulevard:** Under the No Project Alternative, the existing 18.12-acre 300 Airport Boulevard Site would remain as-is and no project components would be constructed. The entire site would continue to be vacant, unused land. The office/life science buildings, the amenities center, and the parking structure would not be constructed and landscaping and other site facilities would not be added. In addition, on-site roadway and circulation improvements would not be included. Airport Boulevard would not be realigned to bisect the 300 Airport Boulevard Site and the Bay Trail would not be extended and rehabilitated. No new land uses, Bayfront Specific Plan amendments, or rezoning would occur under this alternative. The 0.4-acre Rezone Parcel would remain as part of Anza Point South (APS).
- **No Project Alternative 350 Airport Boulevard:** Under the No Project Alternative, the existing 8.58-acre 350 Airport Boulevard Site would remain the same as existing conditions and no zoning changes would be made. In addition, no buildings would be constructed at the site.
- **Existing Zoning Alternative 300 Airport Boulevard:** The Existing Zoning Alternative would develop the 300 Airport Boulevard Site in accordance with the existing Bayfront Specific Plan Design Guidelines and Anza Point North (APN) Zoning Code regulations (and Anza Point South for the 0.4-acre Rezone Parcel). The office/life science buildings at the site would be constructed at 0.6 FAR and the amenities center would be constructed at 0.5 FAR, which would result in no more than 473,725 sf of development. In addition, the buildings at the 300 Airport Boulevard Site would not exceed 30 feet in height along the Bay and 50 feet along Sanchez Channel. Up to 1,529 workers could be employed under the Existing Zoning

Alternative. Since the 300 Airport Boulevard Project would be smaller, Airport Boulevard would not be realigned and shoreline improvements would be less extensive.

- **Existing Zoning Alternative 350 Airport Boulevard:** The Existing Zoning Alternative for the 350 Airport Boulevard Project would develop the 350 Airport Boulevard Site in accordance with the existing Bayfront Specific Plan Design Guidelines and APN Zoning Code regulations. The office buildings at the site would be constructed at 0.6 FAR, which would result in no more than 224,250 sf of development. In addition, the buildings at the 300 Airport Boulevard Site would not exceed 30 feet in height along the Bay and 50 feet along Sanchez Channel. Up to 748 workers could be employed under the Existing Zoning Alternative, assuming office uses.
- **Office/Hotel Alternative 300 Airport Boulevard:** As explained above, there is currently no proposed site plan for the 350 Airport Boulevard Site. As such, no further alternatives are provided for this project. The following description of the Office/Hotel Alternative pertains to the 300 Airport Boulevard Project only.

The Office/Hotel Alternative would include offices in Buildings B3 and B4, an amenities center, and a parking structure, as proposed under the 300 Airport Boulevard Project. However, Buildings B1 and B2 would be replaced by a 226,338-sf hotel. The Zoning Code would be amended as per the 300 Airport Boulevard Project; however, the existing requirements and limitations for hotel uses would still be applicable. Up to 1,786 workers would be employed under the Office/Hotel Alternative.

In addition to the No Project Alternatives, the Draft EIR identifies the Existing Zoning Alternative as the environmentally superior alternative for both projects. The alternatives as presented in the Draft EIR are examples of potentially feasible alternatives that would reduce the impacts of the Project, attempt to meet the majority of objectives, and promote a functional site plan. Therefore, the alternatives included in the Draft EIR represent a range of reasonable alternatives to the Project, but are not meant to limit the City Council and the Commission in determining the best option for the Project. It is at the discretion of City Council whether to approve portions of the proposed alternatives that would mitigate or avoid significant environmental impacts, while rejecting the alternatives that are deemed to be infeasible. As such, the final project could be the Project as proposed in the Draft EIR, an alternative to the Project, or a combination of the Project and different alternatives.

---

## **1.2 PURPOSE OF THIS RESPONSES TO COMMENTS DOCUMENT**

---

Under CEQA, the City is required, after completion of a Draft EIR, to consult with and obtain comments from public agencies having jurisdiction by law with respect to the Project, and to provide the general public with an opportunity to comment on the Draft EIR. As the lead agency, the City of Burlingame is also required to respond to significant environmental issues raised in the review and consultation process.

This Responses to Comments document has been prepared to respond to public agency and general public comments received on the Draft EIR for the Project, which was circulated for a 47-day public review period, December 1, 2011 to January 17, 2012, and to respond to comments received at the one hearing that took place during that same time period. This document contains the public comments received on the Draft EIR, written responses to those comments, and changes made to the Draft EIR in response to the comments.

The Responses to Comments document provides clarification and further substantiation for the analysis and conclusions presented in the Draft EIR. Additionally, the responses correct and remedy minor technical mistakes or errors identified in the Draft EIR. The purpose of the Responses to Comments document is to address concerns raised about the adequacy of the Draft EIR and the process by which the City of Burlingame conducted the CEQA process. Comments that express an opinion about the merits of the Project or Project alternatives, rather than the adequacy of the Draft EIR of the Project's compliance with CEQA, are not examined in this document. This document does not provide a response regarding the merits of the Project or Project alternatives. Section 15088 of the CEQA Guidelines stipulates that responses should pertain to major or significant environmental issues raised by commentors. As explained earlier, the previously released Draft EIR and this Responses to Comments document constitute the Final EIR.

---

### **1.3 HOW TO USE THIS REPORT**

---

This document addresses substantive comments received during the public review period and consists of six sections: (1) Introduction, (2) List of Commentors, (3) Master Response, (4) Written Comments and Responses, (5) Oral Comments and Responses, and (6) Revisions to the Draft EIR. Section 1 reviews the purpose and contents of this Responses to Comments document. Section 2 lists the public agencies, organizations, and individuals who submitted comments on the Draft EIR. In addition, Section 3 provides a Master Response to wind comments that were raised on multiple occasions and warrant a single comprehensive response. Section 4 contains each comment letter and written response to the individual comments. Section 5 contains comments made by speakers at the public hearing during circulation of the Draft EIR, and the responses to these comments. In Section 4 and Section 5, specific comments within each comment letter or oral testimony at the public hearings have been bracketed and enumerated in the margin of the letter or transcript. Each commentor has been assigned a discrete comment letter or speaker number, as listed in Section 2. Responses to each of these comments follow each comment letter and follow the transcripts reproduced in Section 4 and Section 5. For the most part, the responses provide explanatory information or additional discussion of text in the Draft EIR. In some instances, the response supersedes or supplements the text of the Draft EIR for accuracy or clarification. New text that has been added to the Draft EIR is indicated with underlining. Text that has been deleted is indicated with ~~striketrough~~. Finally, Section 6 provides a comprehensive listing of the text changes to the Draft EIR that have resulted from responding to comments or staff-initiated changes.

This page intentionally left blank.