

City of Burlingame

*Mitigated Negative Declaration, Commercial Design Review,
and Special Permits*

**Item No. 9d
Regular Action Item**

Address: 1499 Old Bayshore Highway/825 Mahler Road

Meeting Date: April 8, 2024

Request: Application for Mitigated Negative Declaration, Commercial Design Review, and Special Permits for building height and development under Tier 3; and a Vesting Tentative Map for a new, 8-story research and development building with a 7-story parking structure.

Applicant and Property Owner: King 1499 Old Bayshore Owner LLC

APN: 026-322-150 & 026-322-050

Architect: DGA, Inc.

Zoning: I-I (Innovative Industrial)

General Plan: Innovation Industrial

Lot Area: 129,306 SF (2.97 acres)

Adjacent Development: Office and light industrial buildings, Mills Creek

Current Use: Office, Commercial and Light Industrial

Proposed Use: Office/Research & Development

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

Background: On September 23, 2019, the Planning Commission approved an application on the subject property for a Lot Merger, Mitigated Negative Declaration, Commercial Design Review and Conditional Use Permits for the construction of a new hotel and restaurant. This application was for an 11-story, 404-room hotel and a 3,000 square foot restaurant with a separate parking structure. There were no extensions to this approval and no building permits were filed, therefore approval of these entitlements expired on October 4, 2020.

Environmental Review: ICF was the original CEQA consultant that prepared the CEQA document for the hotel, a Mitigated Negative Declaration (MND). For this reason, ICF was selected to prepare the CEQA document for the proposed life science development at 1499 Old Bayshore Highway/825 Mahler Road. However, a new CEQA document was required to be prepared because the proposed project is substantially different from the previously proposed hotel/restaurant project.

The proposed project was originally scoped for a Class 32 Categorical Exemption, however after review of technical reports it was determined that the project would instead require an Initial Study/Mitigated Negative Declaration. An Initial Study/Mitigated Negative Declaration (IS/MND) for the project was prepared and it was determined that there were potentially significant impacts to air quality, biological resources, cultural resources, noise, transportation, tribal cultural resources, and utilities/service system; however all of these environmental impacts that were identified can be mitigated to less than significant levels.

Because permits are required from a State agency, the Bay Conservation and Development Commission (BCDC), a 30-day public review period was required. The 30-day public review period occurred from January 10, 2024 to February 9, 2024 and two comment letters were received. One letter was from the California Department of Transportation (Caltrans) and the other letter was from the San Francisco International Airport.

A response to comments memorandum has been prepared by ICF to formally address each letter, which is included as part of the administrative record and is attached along with the Mitigation Monitoring and Reporting Plan (MMRP) detailing the mitigation measures required for the project.

May 22, 2023 Planning Commission Design Review Study Meeting: This project was first reviewed by the Planning Commission for Design Review Study on May 22, 2023 (see attached May 22, 2023 Planning Commission Minutes). There were two public comments received during the public hearing from a resident and a representative of an environmental group.

The majority of the comments by the Planning Commission focused on the design and programming of the proposed project. The Commission asked the applicant to consider changes to the corner ground floor details and to explore the Old Bayshore Highway interface along that façade. Please refer to the attached meeting minutes for more details on those comments.

After reviewing the proposed project and considering the comments offered by the Commission, the applicant revisited the plans and made some changes to the project in response to these comments (see revised plans date stamped March 20, 2024). In summary, the following changes were made to the project since the Design Review Study meeting:

- Overlook at Mills Creek Trail Terminus - Based on comments from the BCDC design review board, a third overlook with interpretive programming has been added to the terminus of the new Mills Creek Public Trail at the southwest edge of the site.
- Terrace at Bayshore Highway - Along the Old Bayshore Highway frontage, a new terrace has been added. This area includes movable furnishings which can be accessed via the public plaza.
- Plaza Staircase - The plaza stair has been reshaped into a wider wedge that opens to the streetscape.
- Grand Stair - The staircase at the corner of Old Bayshore and Mahler Road has been angled and rotated slightly toward Old Bayshore Highway for greater visibility from the Bay Trail, crosswalk, and intersection.
- Streetscape - The Old Bayshore Highway streetscape and street profile have been revised to conform to the existing curb location and incorporate the planting buffer and streetscape trees shown in the previous submittal. This change makes the project flexible to accommodate a road diet as suggested by the Old Bayshore Highway Feasibility Study or a continuation of the existing road width as recently contemplated by City Staff.
- Crosswalk Bars - In order to visibly enhance the connection between the Bay Trail at the Shorebird Sanctuary and 1499 Old Bayshore, an expanded crosswalk with ladder bars is now included at the intersection of Old Bayshore and Mahler Road.
- Sidewalk Seating - Two seating platforms have been integrated at the back of sidewalk along Old Bayshore Highway streetscape in front of the project.
- Art Locations - Proposed locations for public art have been selected and noted on plans.
- Vine Screen at Garage - A vine screen has been added to the garage frontage along the Mills Creek public trail.
- Façade Adjustments - Materials have been clarified, with the glass defined. Wood slat materials were added to the underside of overhangs, removal of two single exterior doors and landing at NE corner of building. An exterior patio was added to the east end of building on the ground floor for new viewing deck.
- Stormwater Drainage - Stormwater drainage has been adjusted to accommodate surface stormwater of public streets at the garage and along Old Bayshore Highway.

Please also see attached the applicant's response letter (date stamped March 20, 2024) for a detailed explanation of the changes summarized above.

Project Summary: The subject property is located at 1499 Old Bayshore Highway and 825 Mahler Road, a corner property with frontage along Old Bayshore Highway and Mahler Road. Currently the site includes two separate parcels, 1499 Old Bayshore Highway and 825 Mahler Road, that would need to be merged for the project. The two sites contain a total of three existing buildings that would be demolished. A segment of the "Bay

Trail” is located across Old Bayshore High and beyond the trail is the mouth of Mills Creek leading into the San Francisco Bay. To the east of the project site is Mills Creek and beyond the creek is a single-story industrial building; to the south is a single-story industrial building; and to the west are single-story commercial buildings. Within the vicinity of the project site there are various multi-story buildings that include office, commercial and hospitality uses.

The combined project site measures 2.97 acres in size. The proposed project consists of a new, eight-story office/research and development (office/R&D) building at the front of the site and an open parking garage with seven levels at the back of the site (along Mahler Road). The proposed building would be approximately 304,354 SF in size (not including the penthouse). The proposed floor area ratio (FAR) for the site would be 2.35 (2.75 FAR or 355,591 SF is the maximum allowed). Staff would note that parking structures are excluded from FAR per Code Section 25.36.060(B).

This application is for an office/R&D building (life science use) that is not tenant specific. However, the building is being constructed to accommodate a life science use with larger floor to ceiling heights (16'-0"). The project has been designed to anticipate a life science use with 60% lab and 40% office. The ground floor includes the lobby, loading dock, trash room, mechanical equipment room, electrical room and two tenant spaces with those specific uses to be determined by future users; these spaces would likely be ground floor life science uses that meet vibration criteria required for certain specific life science uses.

The overall height of the proposed life science building would be 151'-7" as measured to the top of the roof screening, and 136'-7" to the highest parapet. This is the height as measured from the average top of curb elevation along Old Bayshore Highway per Code Section 25.30.040(A)(1). Staff would note that the requirements under Code Section 25.12.050 related to sea level rise resiliency, the base flood elevation (BFE) for this site is required to be 13 feet (based on Map of Future Conditions adopted by City Council).

The project proposes a total of 639 off-street parking spaces that would be located in the detached parking structure at the rear of the lot. Garage entry and exit would be off Mahler Road. The main entry to the life science building and a dedicated on-site vehicular drop-off lane would be off Mahler Road. Loading, service, and fire lane access is provided between the two structures and accessed off Mahler Road. The parking garage would include 54 spaces with electric vehicle (EV) charging stations and an additional 65 spaces would be EV ready. Of the 639 spaces, there would be 110 compact spaces. The project includes a bicycle storage room in the garage structure that would accommodate 60 bicycles. There would also be an additional 12 short term bicycle parking spaces provided outside both in the front of the building along Mahler Road and at the rear of the building towards Old Bayshore Highway, facing Mills Creek.

For properties fronting on Old Bayshore Highway, the base allowable FAR in the I-I zoning district for office/research & development is 0.75 FAR. This zoning district provides an 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 community benefits to allow for a 2.35 FAR. The applicant is offering four community benefits as provided in Code Section 25.12.040(C), which include the following:

1. Public Plaza – Development of a 6,900 SF public plaza fronting on Old Bayshore Highway.
2. Sea Level Rise Infrastructure – The construction of sea level rise infrastructures along Mills Creek.
3. Public Art – The project includes three potential locations for the placement of public artwork.
4. Flexible Significant Community Benefit / Mills Creek Public Trail - Constructing approximately 400 linear feet of public trail along the Mills Creek frontage on the south side of the project.

The following applications are required for this project:

- Mitigated Negative Declaration, a determination that with mitigation measures there are no significant environmental effects as a result of this project;
- Commercial Design Review for a new, 8-story research and development building with a 7-story parking structure (Code Sections 25.12.090 and 25.68.020(C)(3)(a));
- Special Permit for building height greater than 65'-0" for properties fronting on Old Bayshore Highway (151'-7" / 76'-11" proposed) (Code Sections 25.12.030, Table 25.12-2 and 25.78.060(A)(2));
- Special Permit for Community Benefits for increased Floor Area Ratio for a Tier 3 project (2.35 FAR proposed where 2.75 FAR is the maximum allowed) (Code Sections 25.12.030, Table 25.12-2, 25.12.040(C), and 25.78.070(A)); and
- Vesting Tentative Parcel Map for lot combination of two lots (1499 Old Bayshore Highway and 825 Mahler Road).

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

1499 Old Bayshore Highway/825 Mahler Road

Lot Area: 129,306 SF (2.97 acres)

Plans date stamped: March 20, 2024

	Proposed	Allowed/Required
<i>Use and Floor Area Ratio:</i>	Life Science – research & development 2.35 FAR ¹ (304,354 SF) (w/o penthouse per C.S. 25.30.060(D)(2)(g))	Life Science – research & development 2.75 FAR (355,591 SF)
<i>Lot Size:</i>	129,306 SF	10,000 SF
<i>Frontage:</i>	288 feet (Old Bayshore Hwy)	50 feet
SETBACKS:		
<i>Front R&D Building</i>		
<i>Front (Old Bayshore Hwy):</i>	17'-0"	10'-0"
<i>Left Side - Exterior:</i>	38'-9"	10'-0"
<i>Right Side – Interior:</i>	54'-2"	10'-0"
<i>Rear:</i>	180'-0"	10'-0"

¹ Special Permit for Development under Tier 3 for increased Floor Area Ratio up to 2.75 FAR – with inclusions of at least three Community Benefits (Code Section 25.12.040).

	Proposed	Allowed/Required
Rear Garage Structure		
Front (Old Bayshore Hwy):	271'-0"	10'-0"
Right Side - Interior: Left Side - Exterior:	35'-6" 9'-8"	10'-0"
Rear:	12'-0"	10'-0"
BUILDING ENVELOPE:		
Lot Coverage:	56% 72,506 SF	70% 90,514 SF
Height:	151'-7" - Main R&D Bldg (top of roof screening) 76'-11" – Garage	65'-0" ² Special Permit required for heights exceeding this limit
LANDSCAPING:		
Landscape buffer:	N/A Pkg garage / no surface pkg	Minimum 5' landscape buffer where surface parking lot abuts a public street
Total Site Landscaping:	27.4% of site 35,418 SF (Planting 24,857 SF) (Enhanced Hardscape 10,561 SF)	15% of total site area 19,395 SF
Landscaping in parking area:	N/A Pkg garage / no surface pkg	10% parking area 1,629 SF

² Special Permit for building height (151.6' proposed where more than 65'-0" requires a Special Permit) (Code Section 25.12.030).

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OFF-STREET PARKING:		
Number of Parking Spaces:	ADA: 23 spaces (10 EV) Compact: 110 spaces Standard: 387 spaces EV: 54 spaces EVRS*: <u>65 spaces</u> 639 total spaces * 174 spaces short if building used as 100% office than the minimum required (assuming all office use w/no TDM or with TDM then only 11 spaces short of min code requirement) <hr/> Parking counts by floor: Level 1 Pkg: 81 Level 2 Pkg: 91 Level 3 Pkg: 101 Level 4 Pkg: 101 Level 5 Pkg: 101 Level 6 Pkg: 99 <u>Level 7 Pkg: 65</u> TOTAL: 639 spaces	L3 - L8 – 33,331 SF x 6 = 199,986 SF L2 - 30,233 SF <u>L1 - Leasable Space 13,648 SF</u> Total SF: 243,867 SF* 40% office (325) + 60% lab (146): 471 spaces <hr/> ALL - Office: 813 spaces (1:300 SF ratio) OR ALL - Lab/R&D: 244 spaces (1:1,000 SF ratio) <u>813 SPACES REQUIRED (all office)</u> or <u>244 (all lab) SPACES REQUIRED</u> or <u>471 (60/40 split) SPACES REQUIRED</u> (dependent upon use) <hr/> If TDM is provided 20% reduction can be applied* <u>WITH TDM</u> 650 SPACES (all office) / OR 195 SPACES (all lab) / OR 377 (60/40 split) REQUIRED

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	Proposed	Allowed/Required
Size of Spaces:	8.5' x 17' (standard - 387) 8' x 17' (compact - 110 (17.2%))	8.5' x 17' (standard) 8' x 17' (compact) (128 allowed – up to 20% of spaces over 20)
Back-Up Aisle:	26'-0"	24'-0"
Bicycle parking:	60 inside bike parking spaces (in parking building) 12 - short term bike spaces	Per CalGreen Building Code
Driveway width:	10' wide into/out of garage min.	Two, 12' wide driveways or one, 18' wide driveway
Driveway slope:	2.08 - 4.51% driveway slopes	Slopes > 15% require approval by the Dept of Public Works
Shared Parking:	N/A all parking on-site/no shared parking	C.S. 25.40.050(A)
Heat Island Reduction:	N/A (no surface parking)	At least 50% of surface parking area shall be shaded by durable, permanent shade structures, trees or other approach
LANDSCAPING:		
Landscape buffer:	N/A Pkg garage / no surface pkg	Minimum 5' landscape buffer where surface parking lot abuts a public street
Total Site Landscaping:	27.4% of site 35,418 SF (Planting 24,857 SF) (Enhanced Hardscape 10,561 SF)	15% of total site area 19,395 SF
Landscaping in parking area:	N/A Pkg garage / no surface pkg	10% parking area 1,629 SF

Off-Street Parking / Transportation Demand Management (TDM) Plan: With the proposed project, there would be a total of 304,354 SF of life science uses on the site. C.S. 25.40.020(A)(7)(a) states that parking calculations shall be based on occupied (or leasable) areas and areas generally not occupied such as lobbies, hallways, stairways, break rooms, rest rooms and utility rooms are not included toward the parking square footage calculation. Based on this code section a total of 243,867 SF was used for the parking calculations. In addition, the 4,000 SF of space shown on the roof plan and called out as "penthouse" on Sheet A.006 for utilities was not counted toward the parking calculations as per the noted code section above.

Code Section 25.40.030 requires 1 space per 300 SF for office uses and 1 space per 1,000 SF of laboratory/R&D. The applicant has noted that they would be a life science use with 60% devoted to lab space and 40% devoted to office space for the life science tenant. This split would result in a total of 471 required off-street parking spaces. The applicant is proposing to provide 639 on-site parking spaces which meets the code required parking. It is estimated that the office/R&D building would generate 756 employees between the office and R&D.

The project would feature a passenger drop-off zone and main lobby entrance on the ground floor of the northern side of the building along Mahler Road. An additional ground-floor lobby entrance on the south of the project would be adjacent to the open space, and other ground-floor entrances would be available for tenants of the project. The parking garage would be accessed at the rear of the site along Mahler Road. The parking garage would include 54 spaces with electric vehicle (EV) charging stations and another 65 spaces would be EV ready. Of the 639 spaces there would be 110 compact spaces. The project includes a bicycle storage room in the garage structure that would accommodate 60 bicycles. There would also be an additional 12 short term bicycle parking spaces provided outside both in the front of the building along Mahler Road and at the rear of the building towards Old Bayshore Highway, facing Mills Creek.

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 for any nonresidential development of 10,000 SF or more. A Transportation Demand Management Plan was prepared by Kittleson & Associates, dated June 19, 2023. With the TDM reductions applied the proposed project would require 377 parking spaces (with 60/40 split). The TDM plan includes measures such as preferential parking for carpools, TDM coordinator, participation in Commute.org, and transit or ridesharing programs.

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. 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).

The proposed project is expected to have an impact on vehicle miles traveled (VMT) based on the Transportation Impact Analysis (TIA) prepared by Kittleson & Associates, dated September 2023 (see appendix F of the IS/MD). However, that impact would be reduced to less-than-significant levels with implementation of the TDM Plan. As required by Burlingame Municipal Code Chapter 25.43, the proposed project would implement a TDM Plan to encourage sustainable modes of transportation and reduce vehicle trips and vehicle miles traveled (VMT) to and from the site. The proposed project would benefit from the allowed 20% parking reduction and the TDM Plan would provide implementation measures to encourage alternative forms of transportation and to reduce the parking demand. The TDM measures in the TDM Plan include free/preferential parking for carpools, a TDM coordinator / contact person, active participation in Commute.org or Transportation Management Association (TMA) Equivalent, carpool or vanpool program, transit or ridesharing passes/subsidies, pre-tax transportation benefits, secure bicycle storage, the inclusion of showers, lockers, and changing rooms for cyclists and pedestrian oriented uses and amenities on the ground floor.

Staff would note that the purpose of the TIA is to evaluate the project's impact on local transportation services and facilities, including motor vehicle travel, transit service, pedestrian facilities, and bicycle facilities. The TIA was prepared in accordance with the requirements of CEQA and thus includes analysis of vehicle miles traveled (VMT). In addition, the applicant has prepared a Level of Service (LOS) analysis which studies intersection operations to help determine non-CEQA impacts to City intersections and infrastructure including traffic delays. The traffic operations for five intersections were analyzed:

1. Mahler Road and Old Bayshore Highway
2. Hinckley Road and Old Bayshore Highway
3. US 101 NB Ramps and Old Bayshore Highway
4. US 101 SB Ramps and Broadway
5. Site access driveway #1: Mahler Road and BrightView Landscape Driveway
6. Site access driveway #2: Mahler Road and Project Driveway under with-project conditions

The LOS analysis indicates that under existing conditions, intersections operate between a LOS A and D. With the addition of the proposed project alone, one of those intersections would deteriorate from LOS A to LOS B, with an increased delay of about 6.5 seconds. In addition, a cumulative analysis was prepared, which studied projected intersection operations assuming that all reasonably foreseeable development is operational in 2040. The cumulative analysis was prepared both without (Cumulative No Project Scenario) and with (Cumulative Plus Project Scenario) operation of the proposed project to understand the project's contribution. In the 2040 Cumulative No Project Scenario, all studied intersections would have increased levels of delay, with no intersection below LOS D. With the Cumulative Plus Project scenario only one intersection is expected to decrease from LOS B to LOS C (at the project driveway along Mahler Road during the PM peak). Based on the significance criteria previously described, the proposed project would not cause operational deficiencies at any city streets.

Landscaping:

All of the 11 existing onsite trees, including four protected-sized trees, would be removed with Project implementation. To compensate for the removal of protected trees, Municipal Code Chapter 11.06.090, *Tree Requirements and Reforestation*, requires trees to be planted at a ratio of 3:1 when using 15-gallon trees, 2:1 when using 24-inch box trees, and 1:1 when using 36-inch box trees. The Project would include planting 35 trees throughout the site and nearby streetscapes in areas that would be accessed by tenants and the public. The City does not have any established open space requirement standards for the I-I zoning district; however, the City does have an established minimum landscape coverage requirement of 20% of a site within the I-I zoning district. Approximately 27.4% of the Project site would be covered in landscaping in accordance with Municipal Code Chapter 25.36.040, which would fulfill the city's minimum landscaping requirement.

Landscaping proposed is shown on the landscape plans, sheets L001 through L801. The project would remove four existing protected-sized trees which would require a Tree Removal Permit. There are 15 unprotected-sized trees proposed for removal as well. There would be 35 new 24-inch box and 36-inch box size trees planted throughout the site. The landscape plan includes new tree species such as Zelkova, Purple Robe Locust, Monterey Cypress, Western Cottonwood, and Toyon in the proposed plaza area and London Plane trees along Old Bayshore Highway.

Landscaping would be provided throughout the project site, including in the plaza area, along the Mills Creek Trail, and around the perimeters of the proposed building and parking lot. The proposed on-site landscaping area would total approximately 35,418 SF or 27.4% site coverage. The I-I District development standards require that 15% (19,395 SF) of the site be landscaped with the project exceeding this requirement by over 12%.

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 Innovation Industrial. The Innovation Industrial (I-I) designation applies to two areas: the southern two-thirds of the Rollins Road corridor and the Inner Old Bayshore area. These districts function well as light industrial and logistics centers, with complementary commercial businesses. Establishment of indoor recreation facilities should be minimized to maintain properties for more jobs-intense enterprises and to avoid land use conflicts. Creative and design-related businesses are encouraged to diversify the mix. Permitted uses include commercial and light industrial uses, creative industry businesses, design businesses, limited indoor sports and recreation, and wholesale uses. In the Inner Old Bayshore area, additional permitted uses include hospitality uses accommodated within the Bayfront Commercial designation.

A General Plan Amendment was adopted in 2021 to amend the Innovation Industrial (I-I) Land Use Development Standards to specify up to 2.75 FAR for office/research and development uses fronting on Old Bayshore Highway. Because the project is an Office/R&D development, it is consistent with the 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. Design Principles for the Innovation Industrial District are detailed in Code Section 25.12.070 and requires the proposed project to be reviewed by the Planning Commission for the following considerations:

- A. Design Intent.** The overall design intent of the I-I zoning district is to provide for an eclectic mix of commercial and light industrial development that has an industrial and contemporary look in terms of materials used, architectural styles, and building forms.
- B. Building Design.** Recognizing the varied commercial and industrial character of the area, new development and redevelopment projects shall feature modern industrial design features.
- C. Art and Murals.** Use of murals, artwork, sculptures, special paving, and fountains are encouraged to be incorporated into building design to provide interest and excitement to the district.
- D. Orientation.** The main building of a development shall be oriented to face a public street. Building frontages shall be generally parallel to streets. At least one primary entrance to a ground-floor use shall face the adjacent street right-of-way. Business and reception areas shall face public access to buildings.
- E. Ground Floor Transparency.** At least 25 percent of the exterior walls on the ground floor facing the street shall include windows, doors, or other openings.
- F. Building Articulation.** Each side of buildings shall have a uniform 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. Streetscape.** Landscaping along the street shall provide an attractive streetscape by screening parking areas from the public street and ensuring a pleasant pedestrian environment.
- H. Compatibility.** The design of new infill development shall respect, complement, and be compatible with the scale, style, theme, and design of surrounding buildings.
- I. Location of Parking.** Any surface parking facilities shall be located to the side or rear of any proposed project unless no other feasible location exists.
- J. Creekside Open Space.** New buildings on parcels adjacent to Mills Creek and Easton Creek, where possible, shall incorporate outdoor open space and trail network components into their site planning, particularly on those parts of sites that face a creek.
- K. Service and Delivery Areas.** Service areas and ground-mounted equipment shall be screened from view by fences or walls that conform to the style and materials of the accompanying building(s).

Materials proposed for the exterior of the proposed building (fronting on Old Bayshore Highway) include: vision glass as the primary façade material with a metal horizontal band in between each floor, corrugated perforated metal paneling on the top-most level to screen all mechanical equipment and penthouses, and metal panels would clad ground floor columns, with a canopy over the entrance doors. All exterior glazing would be composed of 45% opaque glazing with shadow boxes (recessed surfaces) to variegate exterior appearances.

The mullion extensions would be provided in a random pattern to break up the exterior expanses of glass. All exterior lighting would be minimized and shielded to not attract birds. The rear parking structure would have seven levels and would be constructed with a concrete moment frame - with concrete beams and columns that are open with a view into each parking levels. The structure would include details and accents with metal fins, perforated metal screens and metal canopy at the entrance.

To help better visualize the proposed project, perspectives of the proposed project are provided on the cover sheet of the plans set, with the building elevations and materials detailed on Sheets A.008 and A.009. The parking structure elevations are provided on Sheet PA 13 and PA 14.

Request for Special Permit: The maximum building height allowed by right in the I-I District with properties that have frontage on Old Bayshore Highway is 65'-0". Code Section 25.12.030, Table 25.12-2 and 25.78.060(A)(2) allow properties fronting on Old Bayshore Highway to exceed 65'-0" in height with a Special Permit. The applicant is requesting a Special Permit for the office/R&D building which would have an overall building height of 151.6', as measured from the average top of curb elevation along Old Bayshore Highway to the top of the rooftop screening; 136.58' is the maximum height as measured from average top curb to the top of the building parapet. The height of the detached parking structure would be 76.92' above average top of curb.

On the rooftop, the proposed project would include a boiler room, pump room, elevator control room, electrical room, tenant equipment area, and elevator penthouse/overrun. These utilities would be located toward the center of the building and would occupy approximately 29.6% of the rooftop surface. A 15'-0" tall corrugated perforated metal panel (silver/gray color) roof screening (as shown on sheet A.008) would surround the exterior perimeter of the combined utilities. The building height, as measured from the average top of curb along Old Bayshore Highway to the top of the roof screening would be 151.6'; please refer to the attached Special Permit Application completed by the applicant.

The project must also comply with Federal Aviation Administration (FAA) standards and the applicant is working on their application for a "Determination of No Hazard to Air Navigation". This approval will be required prior to building permit issuance and this will be a condition of approval.

Request for Special Permit for Community Benefits for Increased FAR under Tier 3/Community Benefits: The I-I zoning standards includes "tiered" development standards requiring community benefits to be included in projects in order to achieve the highest FAR. 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. A maximum FAR of 0.75 is permitted in the I-I Zoning District. However, the FAR may be increased to 2.75 under the Zoning Code for Office/R&D uses with frontage on Old Bayshore Highway with a Special Permit, if the project includes Tier 3 Community Benefits for increased FAR (Code Sections 25.12.040(C) and 25.78.070(A)). The applicant is proposing an FAR of 2.35 (2.75 FAR is the maximum allowed).

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 four community benefits (minimum of three are required):

- Public Plaza – Section 25.12.040(C)(1). – The applicant is proposing a public plaza as one of their community benefits under the Tier 3 development (6,900 SF proposed where 5,000 SF is the minimum required). The plaza would be located in the southeast corner of the site. Due to the site improvements, the plaza would sit about three feet above Old Bayshore Highway with a view of the Bay Trail and the Shorebird Sanctuary across the street to the east. The plaza would have enhanced paving and would

include seating and planting areas with stairs and a sloped walkway that would provide direct connections from the plaza to Old Bayshore Highway. This area would provide short-term bicycle parking, binocular viewsopes and interpretive panels, with trash and recycling receptacles.

- Public Art – Section 25.12.040(C)(4). - The project includes the integration of up to three public art installments. Given the prominent shoreline location, the applicant is proposing to work with local/regional public artist(s) to prepare site-specific works that would respond to the shoreline site and context. There have been three potential site locations identified where the art could be experienced and appreciated from publicly accessible areas; including from the public plaza, along the Mills Creek trail (see benefit #13 below), and/or the intersection of the Old Bayshore Highway and Mahler Road.
- 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 13 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 end of century. Mills Creek outfalls into the Shorebird Sanctuary across the street on the east side of Old Bayshore Highway and then into the Bay. The improvements along Mills Creek also include a new earthen embankment with an interior concrete flood wall to enhance the SLR resilience. This shoreline (at Mills Creek) protection would be constructed to a higher elevation of 15’-6” to accommodate SLR through end of century, which exceeds BCDC’s requirements which only require that it demonstrate adaptability only to the end of century elevations. A section detailing these improvements is provided on Sheets L701-L704.
- Flexible Significant Community Benefit / Mills Creek Public Trail – Section 25.12.040(C)(13). - The project is located adjacent to Mills Creek and the project includes constructing a public trail along the Mills Creek frontage on the south side of the project. Trail improvements include over 400 linear feet that would include eating areas, native focused planting and shade trees with two overlooks with interpretive panels (creek ecology, water quality and Burlingame watershed map). The trail would also be improved with night lighting and dog bag dispensers, as well as more trash and recycling receptacles (in addition to those in the plaza).

Please refer to the attached Special Permit Application 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).

Sea Level Rise Infrastructure: Flood and sea level rise performance guidelines for projects in the I-I Zone 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.

In order to address flooding issues, the project proposes to construct the finished first floor of the ground floor level of the site at a base elevation of 13 feet above sea level and install a permanent sea wall at 15.5 feet above sea level along Mills Creek, which would provide a 1.5-foot-tall wall from the open space courtyard. The project the site is being raised approximately 5.5 feet from the existing average elevation of about 8 to 13 feet (as part of the sea level rise requirements). 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.

Bay Conservation and Development Commission (BCDC): Based on the location of the project adjacent to Mills Creek, which flows into San Francisco Bay, the project also requires review and approval from BCDC.

The applicant had an introductory meeting with BCDC staff on June 29, 2022 and then had a formal meeting with the BCDC Design Review Board on November 6, 2023. On balance the project was well received, but there

were several comments provided which are summarized in the attached BCDC meeting minutes (dated November 6, 2023). Evidence of final approval by the BCDC Board will be required to be provided to the City prior to building permit issuance; this has been incorporated into the conditions of approval.

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 life science building, the estimated public facilities impact fees for this development project is \$2,309,523.30 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 use 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 life science building, the estimated Commercial Linkage Fee for this development project is \$6,007,325 without prevailing wage and \$4,805,860 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 Planning 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 project is consistent with the General Plan designation of I-I zoning for parcels fronting on Old Bayshore Highway. That the proposed buildings and parking garage have a contemporary commercial architectural style, featuring vision glass spandrel with shadowbox, metal panel reveals, precast concrete spandrel and infill panels, ribbon window walls, and perforated metal mechanical penthouse screens with a non-reflective finish that 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 two dated structures that underutilized the site and will provide a modern architectural style on this prominent corner location.
- 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 that enhances the interface with Mills Creek on the south side and with the parking structure tucked at the rear of the site with the entrance located on the Mahler Road side;
- 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 Old Bayshore Highway with a corner (grand) stairway that announces the building at the center of the corner. These improvements include a new public plaza at the rear of the building, along Old Bayshore Highway with inviting lighting and landscaping, and a public trail from Old Bayshore Highway onto the site adjacent to Mills Creek. A continuous pedestrian path through the southern property of the site would follow Mills Creek with two overlooks along the trail.
- That the proposed on-site landscaping and off-site improvements, including the planting of 35 new trees will enhance this site that fronts on Mill Creek and is prominently viewed from Old Bayshore Highway. That the proposed project would significantly improve the pedestrian experience along Old Bayshore Highway and would provide new amenities 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 I-I 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 8-story building at 151'-7" in height and 7-story garage at 76'-11" in height are a modification to the 65'-0" 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 in the vicinity other new buildings that would exceed the baseline height; the project has been designed t with a large plaza and is well suited for this corner location; overall the height is in context with surrounding buildings.
- 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 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 trail extension along Mills Creek. The additional height will be consistent with the existing character of the Bayfront development; 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; the proposed FAR is appropriate for this site given the site width and depth; the community benefits proposed improve the pedestrian experience along Old Bayshore Highway 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 buildings and the additional development capacity, with a Tier 3 development at 2.35 FAR where 2.75 FAR is the maximum allowed is consistent with General Plan goals and policies.

Findings for Vesting Tentative Parcel Map: In order to recommend approval of a vesting tentative parcel map, the Planning Commission must find that the proposed map, together with the provisions for its design and improvement, is consistent with the Burlingame General Plan and consistent with the provisions of the Subdivision Map Act, and that the site is physically suited for the proposed type and density of development. The City Council will make a determination of the Vesting Tentative Parcel Map after receiving the Planning Commission's recommendation.

Suggested Findings for Vesting Tentative Map:

- That the proposed vesting tentative map, together with the provisions for its design and improvement, is consistent with the Burlingame General Plan and consistent with the provisions of the Subdivision Map

Act, and that the site is physically suited for the proposed type and density of development in that it provides a commercial development in an area identified as suitable for such use in the Zoning Code and General Plan, provides vehicular and pedestrian circulation to serve the project, and is consistent with required development standards.

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 15063;
2. Commercial Design Review;
3. Special Permit for building height greater than 65'-0";
4. Special Permit for Community Benefits for increased Floor Area Ratio for a Tier 3 project; and
5. Recommendation of Vesting Tentative Parcel Map for Lot Combination (recommendation for approval by City Council).

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 March 20, 2024 sheets G.001,G.002, C1.0 through C6.1, L001 through L801, A.001 through A.013, PA2 through PA16, and E-001 through E-004-3 ;
2. the project is conditionally approved by Public Works subject to the approval of the parcel map and abandonment of easements both of which must be approved prior to submittal of the building permit;
3. 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;
4. 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);
5. that construction of the foundation systems for the building and parking garage shall not include pile driving;
6. that the conditions of the Building Division's October 24, 2022 memo, the Fire Division's March 29, 2023 memo, the Engineering Division's April 15, 2023 memo, the Parks Division's April 13, 2023 memo, and the Stormwater Division's April 7, 2023 memo shall be met;
7. 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;

8. 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;
9. that the Project will be required to contribute their pro rata share of the remaining streetscape elements within the project frontage to the median consistent with the Old Bayshore Highway Streetscape Improvement Plan;
10. that the project design measures outlined in the Water Supply Assessment, dated July 2023, 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;
11. that the project shall include the Transportation Demand Management Measures as proposed in the Transportation Demand Management Plan, prepared by Kittleson & Associates, dated June 19, 2023;
12. 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;
13. 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;
14. 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;
15. 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;
16. 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;
17. that prior to issuance of a building permit for vertical construction, the project sponsor shall verify that the November 28, 2023, FAA Determination of No Hazard to Air Navigation for the project is still current and has not expired (May 28, 2025) 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;
18. 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;

19. 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;
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, per the plans submitted to the Planning Division date stamped March 20, 2024;
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 Mitigated Negative Declaration prepared for the project:

42. **Implementation of BAAQMD Basic Best Management Practices for Construction-Related Fugitive Dust Emissions.** The Project applicant shall require their contractors, as a condition of contracts (e.g., standard specifications), to reduce construction-related fugitive dust emissions by implementing BAAQMD's basic best management practices, including 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 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.
 - All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
 - All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
 - Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.
 - Publicly visible signs shall be posted with the telephone number and name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's General Air Pollution Complaints number shall also be visible to ensure compliance with applicable regulations.The Project applicant shall submit evidence of compliance to the City prior to grading permit issuance;
43. **Use Clean Diesel-Powered or Electric Equipment during Construction to Control Construction-Related Emissions.** The Project applicant shall ensure that all off-road diesel-powered equipment greater than 50 horsepower used during construction shall be equipped with EPA-approved Tier 4 Final

engines or cleaner to reduce PM2.5 and PM10 exhaust emissions. The construction contractor shall submit evidence of the use of EPA-approved Tier 4 Final engines or cleaner to the City prior to the commencement of Project construction activities;

44. **Lighting Impact Reduction Measures.** The following measures shall be implemented to reduce spillover of lighting into, or glare/increased luminance perceived by animals using Mills Creek, the Shorebird Sanctuary, and the Bay, as well as adverse effects of lighting on migratory birds:

- Through a combination of proper fixture selection, low mounting height, glare shielding, and orientation/aiming of light fixtures, the design team shall actively control undesirable spill light towards sensitive habitat areas. All exterior lighting shall be fully shielded to block illumination from shining outward towards Mills Creek, the Shorebird Sanctuary, and the Bay, and to prevent the lit portions of these fixtures (i.e., the lamps) from being visible to fish, birds, or mammals in the water or mudflats in these adjacent areas. Limited uplighting may apply to select building facade areas and landscape features that are at least 50 feet from the high tide line along the Bay and at least 35 feet from the high tide line along Mills Creek. These up light fixtures shall incorporate glare shields and strategic aiming to control undesirable spill light; shall incorporate timeclock control to turn off uplighting from 10pm until the next evening; and shall use 40-Watt maximum lamps to minimize light output.
- The Project shall demonstrate, initially via computer calculations and via field measurements following Project construction, that the increase in illumination from all exterior site and façade lighting shall not exceed 0.1 footcandles as measured on the surface of the water of Mills Creek, the Shorebird Sanctuary, and the Bay.
- Except as indicated in the previous bullet (and the exceptions for public streets), 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 backlight-up light-glare 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).
- Lighting for public streets, roadways, highways, and traffic signage lighting, including lighting for driveway entrances occurring in the public right-of-way, shall be excluded from these backlight-up light-glare rating limitations to support public safety and proper illumination of public streets.
- Exterior lighting shall be minimized in accordance with recommendations from the International Dark-Sky Association (2011) from midnight until dawn, at a minimum, except as needed for safety and City code compliance.
- Spillage of lighting from building interiors shall be minimized using occupancy sensors, dimmers, or other mechanisms from midnight until dawn, at a minimum, during bird migration seasons (February–May and August–November). If desired, this measure may be voluntarily implemented year-round;

45. **Nesting Bird Avoidance.**

A) Seasonal Avoidance. To the extent feasible, tree removal, demolition, and the start of construction activities shall be scheduled to avoid the nesting season. If such activities take place outside the nesting season, all impacts on nesting birds protected under the MBTA and California Fish and Game Code shall be avoided through adherence of B, C, and D of this mitigation measure. The nesting season for most birds in San Mateo County extends from February 1 through August 31;

B) Preconstruction/Pre-Disturbance Surveys. If it is not possible to schedule construction activities between September 1 and January 31, then preconstruction surveys for nesting birds shall be conducted by a qualified biologist to ensure that no nests of migratory birds will be disturbed during project implementation. These surveys shall be conducted no more than 7 days prior to the initiation of tree removal, demolition, ground disturbance, or construction activities for each construction phase. During this survey, the biologist shall inspect all trees and other potential nesting habitats (e.g., trees, shrubs, buildings, and the ground) in and immediately adjacent to the impact areas for migratory bird nests.

C) Buffers. If an active nest is found within areas that would be disturbed by project activities, the ornithologist shall determine the extent of a construction-free buffer zone to be established around the nest (typically 300 feet for raptors and 100 feet for other species), to ensure that no nests of species protected by the MBTA and California Fish and Game Code shall be disturbed during project implementation.

D) Inhibition of Nesting. If construction activities will not be initiated until after the start of the nesting season, all potential nesting substrates (e.g., bushes, trees, grasses, and other vegetation) that are scheduled to be removed by the Project may be removed prior to the start of the nesting season (e.g., prior to February 1). This will preclude the initiation of nests in this vegetation and prevent the potential delay of the Project due to the presence of active nests in these substrates;

46. **Unanticipated Discovery Protocol:** Should unknown precontact or historic-period archaeological materials such as flaked and ground stone tools and debris, shell, bone, ceramics, and fire-affected rock as well as historic-period artifacts such as glass, metal, wood, brick, or structural remnants are encountered during Project construction activities; the construction contractor shall halt construction within 50 feet of the find and immediately notify the City. Construction activities shall be redirected and a qualified archaeologist, in consultation with the City, shall: (1) evaluate the archaeological deposit to determine if it meets the CEQA definition of a historical or unique archaeological resource, and (2) make recommendations about the treatment of the deposit, as warranted. If the deposit does meet the CEQA definition of a historical or unique archaeological resource then it shall be avoided to the extent feasible by project construction activities. If avoidance is not feasible, then adverse effects to the deposit shall be mitigated as specified in CEQA Guidelines Section 15126.4(b) (for historic resources) or CEQA Section 21083.2 (for unique archaeological resources). This mitigation may include a thorough recording of the resource on DPR Form 523 records, or archaeological data recovery excavation. If data recovery excavation is warranted, CEQA Guidelines Section 15126.4(b)(3)(C), which requires a data recovery plan prior to data recovery excavation, shall be followed. If the significant identified resources are unique archaeological resources, mitigation of these resources shall be subject to the limitations on mitigation measures for archaeological resources identified in CEQA Sections 21083.2(c) through 21083.2(f);
47. **Stop Work in Case of Discovery of Paleontological Resources.** Discovery of a paleontological specimen during any phase of the Project shall result in work stoppage in the vicinity of the find until it can be evaluated by a professional paleontologist. Should loss or damage be detected, additional protective measures or further action (e.g., resource removal), as determined by the professional paleontologist, shall be implemented to mitigate the impact prior to the continuation of work;
48. **Construction Noise Control Plan to Reduce Noise from Project Construction.** To reduce potential noise effects resulting from Project construction, a Construction Noise Control Plan shall be developed to ensure feasible construction noise control measures are implemented to reduce construction noise at nearby sensitive land uses. The Construction Noise Control Plan, to be developed by the Project applicant, would include certain noise reduction measures, such as the following:
- Using smaller equipment with lower horsepower when working near noise-sensitive land uses or reducing the hourly utilization rate of equipment used on the site.
 - Locating construction equipment and equipment staging areas as far as feasible from noise-sensitive uses.
 - Locating stationary construction equipment, such as generators or pumps, as far as feasible from noise-sensitive land uses.
 - Requiring that all construction equipment powered by gasoline or diesel engines have sound control devices that are at least as effective as those originally provided by the manufacturer and that all equipment be operated and maintained to minimize noise generation.
 - Prohibiting gasoline or diesel engines from having unmuffled exhaust systems.
 - Not idling inactive construction equipment for prolonged periods (i.e., more than 5 minutes).

- Constructing a solid plywood barrier around the construction site and adjacent to nearby noise-sensitive land uses.
 - Using temporary noise control blankets or barriers along the project construction fence;
49. **Reduce Noise from Project Mechanical Equipment.** To reduce potential noise effects resulting from Project mechanical equipment, including heating, cooling, and ventilation equipment as well as project emergency generators, an operational equipment noise analysis shall be prepared (once final makes, models and design features of associated equipment are selected) to confirm actual noise levels of project-specific equipment will comply with applicable local noise standards. The analysis shall be conducted prior to the issuance of building permits and shall be prepared by persons qualified in acoustical analysis and/or engineering and shall demonstrate with reasonable certainty that the mechanical equipment selected for the project will not result in an exceedance of the applicable City noise standards of 50 dBA L_{eq} during nighttime hours and 60 dBA L_{eq} during daytime hours.
- Options to reduce noise from mechanical equipment include the following.
- Enclosing equipment in mechanical equipment rooms.
 - Shielding equipment with mechanical screens, walls or barriers at least as tall as the equipment.
 - Selecting quieter equipment and/or emergency generator models.
 - Incorporating weather enclosures and/or exhaust silencers or filters into emergency generator design.
- All recommendations from the acoustical analysis necessary to ensure that noise sources meet the above standards shall be incorporated into the building design and operations;
50. **Traffic Control Plan.** Prior to issuance of grading and building permits, the applicant shall submit a traffic control plan to the City. The traffic control plan shall include the following requirements: Truck drivers shall be notified of and required to use the most direct route between the site and U.S. 101, as determined by the City Engineering Department; all site ingress and egress shall occur only at the main driveways to the Project site; specifically designated travel routes for large vehicles shall be monitored and controlled by flaggers; warning signs, indicating frequent truck entry and exit points, shall be posted on adjacent roadways, if requested; and any debris or mud on nearby streets caused by trucks shall be monitored daily, which may require instituting a street cleaning program; and
51. **Contribute to Water Conservation Programs under the City's Development Offset Program.** Per the Development Offset Program, the Project sponsor shall contribute to funding of water conservation programs to offset the Project's contribution to the City's water demand overage.

Catherine Keylon
Senior Planner

c: King 1499 Bayshore Owner LLC c/o, Peter Banzhaf applicant and property owner
DGA Inc., architect

Attachments:

May 22, 2023 Planning Commission Minutes (Design Review Study Meeting)

Applicant's Response Letter, dated April 8, 2024

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

Comment Letter

- A. Rebelos, dated May 22, 2023

Planning Commission Resolutions (proposed)

Notice of Public Hearing – Mailed March 29, 2024

Area Map

Separate Attachments (delivered separately)

Initial Study/Mitigated Negative Declaration, dated January 2024, prepared by ICF
Project Plans