

# City of Burlingame

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

Item No. 8e  
Regular Action Item

**Address:** 777 Airport Boulevard

**Meeting Date:** November 14, 2022

**Request:** Application for Environmental Review (CEQA Guidelines Section 15183), Commercial Design Review, and Special Permits for building height and Development under Tier 3/Community Benefits for a new, 13-story office/research and development building.

**Applicant and Property Owner:** LPC West

**APN:** 026-344-130

**Architect:** M. Arthur Gensler & Associates, Inc.

**Zoning:** BFC (Bayfront Commercial)

**General Plan:** Bayfront Commercial

**Lot Area:** 134,475 SF (3.087 acres)

**Adjacent Development:** Hotels, Office buildings, Sanchez Creek Lagoon

**Current Use:** Hotel – Red Roof Inn (213 rooms)

**Proposed Use:** Office/Research & Development

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

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

**General Plan:** In January 2019, the City adopted a new General Plan and certified the Environmental Impact Report (EIR). Through that process, the Bayfront was designated as one of several “areas of change” in the city. Areas of change were places where the community expressed a desire for new uses or redevelopment of existing uses to occur, and the General Plan “Bayfront Commercial” land use was created to encourage new commercial development and community amenities. Permitted uses include entertainment establishments, restaurants, hotels and motels, retail, and higher-intensity office uses.

The General Plan Community Character Chapter IV, states that development in this area should prioritize public access to the waterfront with designated public open space including open space easements to improvement local and regional trail plans, recreation and habitat preservation objectives. The office/R&D land use of the proposed project is consistent with the General Plan’s Bayfront Commercial land use designation.

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

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

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

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

While Section 15183 allows for streamlined review, the CEQA review still includes environmental analyses using a checklist to confirm that there are no impacts requiring additional analysis under Section 15183 related to the project, including project construction, implementation, and operation. Technical studies prepared for this checklist include: Air Quality and Greenhouse Gas Assessment, Arborist Report, Avian Collision Risk Assessment, Phase I Site Assessment, Traffic Impact Analysis (TIA), and a Water Supply Assessment (WSA). All of these technical reports are provided as appendices to the Section 15813 analysis. The CEQA checklist examines the impacts of the proposed project, and a discussion follows each environmental issue identified in the checklist. In addition, the General Plan EIR mitigations measures that will apply to the proposed project are included below as conditions of approval.

**June 13, 2022 Planning Commission Design Review Study Meeting:** This project was first reviewed by the Planning Commission for Environmental Scoping and Design Review Study on June 13, 2022 (see attached June 13, 2022 Planning Commission Minutes). There was one public comment received during the public hearing from a resident at the scoping/study session (attached).

The Planning Commission provided comments related to the items to be studied as part of the environmental review, however the majority of the discussion at the June 13, 2022 meeting focused on the design of the proposed project. Please refer to the attached meeting minutes for a detailed list of comments.

After review of the proposed project and consideration of the comments from the June 13, 2022 Design Review Study meeting, the applicant revised the project design in response to these comments (plans date stamped August 5, 2022).

**September 12, 2022 Planning Commission -Second Design Review Study Meeting:** This project was reviewed a second time by the Planning Commission for Design Review Study on September 12, 2022 (see attached September 12, 2022 Planning Commission Minutes). There was one public comment received during the public hearing from a resident at the second /study session (attached).

Overall the project changes were well received by the Planning Commission. The largest number of comments focused on enhancing the public amenities. There were also a few minor design comments, but the Commission felt that the re-design of the project was much improved (see attached September 12, 2022 Planning Commission minutes).

Please refer to the attached November 7, 2022 response letter for a more detailed explanation of the changes made to this project in response to the Planning Commission's comments at the second Design Review Study meeting. Staff notes that because the changes to the plans involve architectural changes, as well as site layout changes, the zoning compliance table above has been revised accordingly. In addition, the project description above has been revised to reflect these changes.

**Project Summary:** The project site is a corner lot located on the southwest corner of Anza and Airport Boulevards at 777 Airport Boulevard. There are two street frontages: Airport Boulevard which serves as the primary front for zoning purposes and Anza Boulevard. The site is 3.087 acres and currently contains a 213-room hotel that includes a restaurant fronting along Airport Boulevard. Directly south of the property is the Hilton Garden Inn Hotel, across the street to the north is the DoubleTree Hotel, and across the street along Airport Boulevard are office buildings. Burlingame Lagoon abuts the rear of the property where the Bay Trail is located.

The project proposes to redevelop the site with a new office/research and development (R&D) building, measuring 907,938 gross square feet (GSF) in area and 13 stories in height. The garage is proposed on the

lower portion of the building and the office/R&D space is on the upper portion. The lower six stories of the building, approximately 424,775 square feet (SF), would contain the parking garage, a lobby, a 1,600 SF café, as well as support areas such as a loading dock, utility rooms, trash and refuse area, and a 12,351 SF amenity space on the first floor. The upper six stories would contain 403,400 SF (with exclusions to FAR applied) of office/R&D space (411,835 GSF). The proposed amenity space has not been completely designed but would likely include a wellness/fitness center, conference area, and exhibit areas for the future tenants. The café would be a publicly accessible food and beverage establishment with ample outdoor seating. The café will be located midway on the southern portion of the building to attract users of the Bay Trail as well as passers-by along Airport Boulevard. The café would open to the colonnade with an operable glass wall to enhance the indoor/outdoor use of the space. The building would include a mezzanine floor between the first and second stories. The proposed floor area ratio (FAR) for the site is 3.0 (3.0 FAR maximum allowed).

The proposed building would reach a maximum height of 194 feet (as measured to the top of the penthouse parapet). The building would have a front setback of 15'-9" to the closest projection, but the front setback ranges between 15'-9" and 33'-6" given the curvature of the lot frontage along of Airport Boulevard. The exterior side setback along Anza Boulevard would be 10'-8", the interior side setback would be 44'-6", and the rear setback would be 67'-11". The proposed project would include a photovoltaic solar panel installation on the roof of the mechanical penthouse.

The building would also have bird safe design measures. These include glazing on building facades where collision risk to birds is high, which would be treated with a bird-safe glazing so that no more than 10% of the area from 0–60 feet above grade consists of untreated glazing. Bird-safe glazing treatments may include fritting, netting, permanent stencils, frosted glass, exterior screens, physical grids placed on the exterior of glazing, or UV patterns visible to birds. The applicant worked with biologists at HT Harvey & Associates to review these measures as part of an Avian Collision Risk Assessment. Their findings note that these (and other measures noted in the assessment found in Appendix C of the section 15183 analysis) would effectively reduce the potential for collisions with spandrel glazing on the building by helping birds perceive the glass railings as solid objects to be avoided. Collision risk with this glazing is expected to be relatively low.

This application is for an office/R&D building (life science use) that is not tenant specific. While the building would be constructed to accommodate a life science use with larger floor to ceiling heights (15'-0"), the tenant improvements would ultimately determine the end use of the space as either office or a life science use with office, research and development, and laboratories. The building is not being constructed for a specific tenant at this time, and may in fact accommodate multiple tenants. For CEQA purposes, technical studies looked at the most intensive use for each of the respective areas of study to determine scenarios with the greatest potential impacts given the speculative end uses.

Vehicle access to the site would primarily be provided from Airport Boulevard. A driveway is located on the south side of the building and there would be inbound and outbound driveway access points into and out of the garage along this frontage. Truck loading access would be provided along Anza Boulevard, with a new dedicated left turn lane created with a pocket breaking the existing median along westbound Anza Boulevard. An emergency vehicle access (EVA) entrance would also be provided along Anza Boulevard; this would be limited only to emergency vehicles given the blind curve at the preceding Anza Boulevard off-ramp from northbound Highway 101.

The project would include a total of 926 parking spaces. Of the 926 parking spaces, 108 spaces would include electric vehicle (EV) charging stations and 78 EV ready spaces. This total also includes 19 surface parking spaces located at the rear of the site, nine of which would be dedicated for users of the abutting the Bay Trail. The project includes an indoor bicycle storage room with capacity for 52 bikes. Outdoor bicycle parking is provided in three separate locations for a total of 13 racks with parking for 26 bicycles; four covered racks (for 8 bikes) provided at the Airport Boulevard Plaza, two racks (for 4 bikes) provided at the café plaza/colonnade, and seven racks (for 14 bikes) provided at the Shoreline Plaza.

The base allowable FAR in the BFC Zoning District is 1.0. This zoning district provides for the opportunity to get increased FAR in return for specific community benefits, with Planning Commission approval through a tiered zoning structure. The applicant is requesting development under Tier 3, which requires a minimum of three (3) community benefits to allow for a 3.0 FAR.

The applicant is offering four (4) community benefits as provided in Code Section 25.12.040(C), which include the following:

1. Public Plaza – development of a 8,000 SF public plaza fronting Airport Boulevard;
2. Publicly Accessible Park Space (Shoreline Plaza) – creation of a 24,100 SF park space at the rear of the property, adjacent to the Bay Trail;
3. Off-Site Streetscape Improvements – improvements to a 24,500 SF portion of land that abuts the property on the northwest corner; would provide new ADA compliance connection between the Bay Trail and Anza Boulevard; and
4. Sea Level Rise Infrastructure – the shoreline areas adjacent to Burlingame Lagoon would be increased to an elevation of 13' AMSL (Above Mean Sea Level) with a design that would be adaptable to be increased to meet the end of century elevations (per the City of Burlingame Map of Future Conditions) if necessary.

The following applications are required for this project:

- Commercial Design Review (Code Sections 25.12.060 and 25.68.020(C)(3)(a));
- Special Permit for building height greater than 65'-0" (194'-0" proposed) (Code Sections 25.12.030, Table 25.12-2 and 25.78.060(A)(2)); and
- Special Permit for Community Benefits for increased Floor Area Ratio for a Tier 3 project (3.0 FAR proposed) (Code Sections 25.12.030, Table 25.12-2, 25.12.040, and 25.78.070(A)).

*This space intentionally left blank.*

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

**777 Airport Boulevard**

**Lot Area:** 134,475 SF (3.087 acres)

**Plans date stamped:** September 26, 2022

	<b>Original Proposal (5/18/22 plans)</b>	<b>Revised Proposal (9/26/22 plans)</b>	<b>Allowed/Required</b>
<b>Use and Floor Area Ratio:</b>	office/research & development 3.0 FAR <sup>1</sup> 403,400 SF	No change	office/research & development 3.0 FAR 403,425 SF
<b>SETBACKS:</b>			
<b>Front:</b>	17'-3"	15'-9"	10'-0"
<b>Left Side Interior:</b>	54'-9"	44'-6"	10'-0"
<b>Right Side Exterior:</b>	10'-0"	10'-8"	10'-0"
<b>Rear:</b>	73'-3"	67'-11"	10'-0"
<b>BUILDING ENVELOPE:</b>			
<b>Lot Coverage:</b>	49% 65,543 SF	50.8% 68,329 SF	60% 80,685 SF
<b>Building Height:</b>	226'-6" to top of curtain wall system <sup>2</sup>	194'-0" to top of penthouse parapet <sup>2</sup>  184'-6" to top of parapet of main structure (occupied floors)	65'-0" above average top of curb (Airport Blvd)  Special Permit required for heights exceeding this limit and FAA approval

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

<sup>2</sup> Special Permit for building height (194'-0" proposed, where more than 65'-0" requires a Special Permit) (Code Section 25.12.030).

Table continued on next page.

	<b>Proposed (9/26/22 plans)</b>	<b>Allowed/Required</b>
<b>OFF-STREET PARKING:</b>		
<b>Number of Parking Spaces:</b>	ADA: 19 spaces Compact: 184 spaces Tandem: 68 spaces Standard <u>655 spaces</u> <b>Total: 926 total spaces</b>  <b>Complies – 774 spaces required with TDM</b> (assuming 100% office - most intensive use)  <hr/> <u>Parking Counts by Floor:</u> Surface Level: 19 Ground Level: 14 Mezzanine Level: 13 Level 2: 171 Level 3: 177 Level 4: 177 Level 5: 177 Level 6: <u>178</u> Total: 926 spaces	L7-L12 (62,201 SF x 6) = 373,206 SF <u>L1- Ground Floor (leasable) 13,900 SF</u> <b>Total SF: 387,106 SF</b>  <hr/> <b>PARKING REQUIRED W/O TDM (dependent upon use)</b>  968 spaces - 100% office 678 spaces - 50% office & 50% R&D 387 spaces required – 100% lab/R&D  <b>PARKING REQUIRED W/TDM (dependent upon use) TDM Plan provides a 20% reduction:</b>  774 spaces – 100% office 543 spaces - 50% office & 50% R&D 310 spaces – 100% lab/R&D
<b>Compact Spaces:</b>	184 compact spaces	Up to 20% allowed if > 20 spaces  185.2 compact spaces allowed (926 x 20%)
<b>Tandem Spaces:</b>	68 tandem spaces	15% allowed if >11 spaces required  138.9 spaces allowed (926 x 15%)
<b>Drive Aisle/ Clear Back-up Space:</b>	24'-0"	24'-0"
<b>Parking Space Dimensions:</b>	8.5' x 17' (standard) 8' x 17' (compact)	8.5' x 17' (standard) 8' x 17' (compact) (up to 20% of spaces over 20)
<b>Bicycle Parking:</b>	Inside - 52 bicycle spaces inside on ground level  Outside - 26 bicycle spaces outside	Per CalGreen Building Code

Table continued on next page.

	<b>Proposed (9/26/22 plans)</b>	<b>Allowed/Required</b>
<b>Driveway Width:</b>	29' wide into garage 20' – Anza Blvd (EVA only) 24' – Airport Blvd 66' – loading dock on Anza Blvd	Two, 12' wide driveways or one, 18' wide driveway
<b>Driveway Slope:</b>	8 to 17.54% driveway slopes	Slopes > 15% require approval by the Dept of Public Works
<b>Heat Island Reduction:</b>	Shown on landscape plan with at least 50% shading	At least 50% of surface parking area shall be shaded by durable, permanent shade structures, trees or other approach
<b>EV Spaces:</b>	108 EV CS + 78 EV ready	10% or 93 spaces
<b>LANDSCAPING</b>		
<b>Total Site Landscaping:</b>	33.2% of site 44,630 SF	20% of total site area 26,895 SF
<b>Landscape Buffer:</b>	40' landscape buffer provided	Minimum 5' landscape buffer where surface parking lot abuts a public street
<b>Landscaping in Parking Area:</b>	15.5% of parking area 3,150 SF	Parking Area - 20,271 SF 10% of parking area = 2,027 SF

**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 Bayfront Commercial District are detailed in Code Section 25.12.060 and requires the proposed project to be reviewed by the Planning Commission for the following considerations:

- A. Design Intent.** Development shall relate to both the street and to the Bay to provide view corridors from and across Bayshore Highway and Airport Boulevard, and to create gateways at key locations. Development shall support the pattern of diverse architectural styles and the role of the shoreline in creating a network of interconnected open spaces.
- B. View Corridor Requirement.** To provide a view corridor, the width of a structure or combined structures on a lot shall not obstruct more than 75 percent of the length of the property line along Bayshore Highway and Airport Boulevard, including setbacks. For purposes of this requirement, structure or combined structures shall not include architectural elements, but may include an elevated podium to accommodate flood elevations and/or parking.

*213.25' lot width x 75% = 159.93' maximum allowed structure length  
154' (72.2%) combined structure width proposed*

- C. Support the Shoreline.** On visually prominent sites and sites with shoreline as defined by the Bay Conservation and Development Commission, design shall fit the site and be compatible with surrounding development, support the Bay Trail and its park and recreational uses, provide for maximum user access, and support recreational use by those who work in the area as well as those who visit. Pedestrian amenities are encouraged along the shoreline adjacent to the Bay Trail.
- D. Orientation.** Building entries shall be readily visible from the street and be easily identifiable, preferably on Bayshore Highway or Airport Boulevard. Buildings that are setback from the street shall have attractively landscaped plazas leading to the main building entry, and seating areas are encouraged in the front setback. Businesses at important intersections are encouraged to locate their entrances at the building corner.
- E. Ground Floor Transparency.** At least 25 percent of the exterior walls on the ground floor or first level facing the street shall include windows, doors, or other openings.

*North Elevation (Anza Blvd) – Sheet A2.02*

*Required - 429' x 25% = 106.25'*

*Proposed – 147' (34.5%)*

*East Elevation (Airport Blvd) - Sheet A2.03*

*Required – 154' x 25% = 38.5'*

*Proposed – 154' (100%)*

- F. Building Articulation.** Each side of buildings shall have a cohesive approach to design and detail. Articulation of building and structural elements, including windows, entries, and bays shall be achieved. Design features such as canopies, trellis, and grillwork shall be designed as part of the building's composition of design elements. A variety of materials should be used to articulate building elements, such as the base, the ground floor, and upper floors, if any.
- G. Building Design.** The pattern of diverse architectural styles throughout the district and the role of the shoreline in creating a network of interconnected open spaces is encouraged. New developments shall implement a single architectural style for the project, with consistency among primary elements of the structure(s).
- H. Streetscape.** Development shall respect and promote the streetscape through building placement to maximize the commercial use of the street frontage, off-street public spaces, and by locating parking to minimize its impact on street frontages. For properties with any water frontage, design shall be sensitive to the surrounding bodies of water, physical and visual presence of the Bay Trail, and the orientation of the prevailing winds.
- I. Location of Surface Parking.** Surface parking areas shall be located to the sides and rear of the building, when feasible, to encourage a pedestrian-friendly street edge. No surface parking areas shall be located between any structure and the lot frontage, except for limited visitor parking areas. Driveways are allowed in the setback, but the driveways shall not be considered as landscaped area.

*No surface parking is proposed at the front, all surface parking will be provided at the rear of the proposed building.*

- J. Location and Design of Structured Parking.** Structured parking shall be designed to be compatible with the architectural design and materials of the buildings.

*Parking levels are incorporated into the building design in the first seven levels with perforated metal panel system exterior.*

- K. Bird Friendly Design.** All development shall incorporate bird-friendly design that minimizes potential adverse impacts to native and migratory birds, such as fritted or patterned glass, projecting architectural features, lighting design, and screening with trees.

*The applicant hired HT Harvey & Associates to prepare an avian collision risk assessment for the proposed project, given the location next to the Burlingame Lagoon. Bird safe design notes are provided on Sheet A2.02 and on all elevations sheets. The bird safety measures have been incorporated into the design with limits on glazing (ground - 60'), fritted patterns, landscaping, exterior and interior lighting adjustments including minimizing indoor and outdoor night-time light, and considering outdoor light to critical circulation routes. In addition, the outdoor lighting would be cast downward to prevent lighting being cast offsite. The revised project layout and design was reviewed by HT Harvey and Associates. The avian collision risk study assessment was updated on two separate occasions August 26, 2022 and October 18, 2022 to reflect the new, revised design concepts to ensure the project is still include of bird safe design measures (see Appendix C of the CEQA document).*

- L. Protection of the Bay Environment.** Site features shall include orientation to minimize wind obstruction on San Francisco Bay, protection of the Bay environment, and landscaping and pedestrian circulation that enrich and enhance the existing recreation opportunities of the area, including extension of the Bay Trail as well as the commercial neighborhood. The exterior materials are detailed on sheet G1.04 and also on the elevations, sheets A2.01 through A2.03. The materials include:

Ground floor

- polished concrete – column finish
- storefront window systems with extruded gray aluminum
- vertical louver system

Garage

- Spandrel glass
- Perforate metal panel system (50% open)

Office/ Upper Floors

- Insulated metal panel system
- Unitized Curtain Wall Aluminum Framing System / Low Reflectance High Performance insulated Glazing System
  - Zone extending from Ground to 60' (max amount of untreated glazing shall be 10%)
  - Glass reflectance shall be 20% or less
  - Utilize contrasting mullions
- Spandrel glass
- Low reflectance glass guardrail
  - Clear with acid-etched line or dot pattern located on face #1 for bird safety

Materials proposed for the exterior of the proposed building include wood soffit materials and stainless steel clad columns on the ground floor promenade. The upper body of the building consists of metal panel systems and unitized curtain wall aluminum framing with spandrel glass, detailed with extruded aluminum fins. To help visualize the proposed project, perspectives of the proposed project are provided on sheets G1.03 through G1.05; a materials board is provided on sheet G1.07.

**Request for Special Permit for Building Height:** The maximum building height allowed by right in the BFC Zoning District is 65'-0". Code Sections 25.12.030, Table 25.12-2 and 25.78.060(A)(2) states that properties in this district may exceed 65'-0" in height with approval of a Special Permit. The applicant is requesting a Special Permit for the office/R&D building which would have an overall building height of 194'-0", as measured from the average top of curb elevation along Airport Boulevard to the top of the penthouse parapet. The proposed project includes solar panels, a mechanical penthouse, and an elevator penthouse on the building roof. Should the building be occupied by life science uses with lab/R&D, there may be additional rooftop equipment added to support such uses. The height measured to the top of the parapet for the main building is 184'-6". Please refer to the attached Special Permit form completed by the applicant.

In addition, the project must also comply with Federal Aviation Administration (FAA) standards. The applicant has recently received a “Determination of No Hazard to Air Navigation” for the project and a condition of approval has been included that requires a current proof of this (extended) approval prior to building permit submittal.

**Request for Special Permit for Increased Floor Area Ratio with Approval of Tier 3/Community Benefits:**

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

The developer is requesting approval to develop this property consistent with Tier 3 development standards. Planning Commission approval is required for Tier 3 projects if it is determined that the project includes at least three (3) community benefits. These benefits are intended to provide public benefits in excess of the City’s normal requirements that would improve the quality of life of employees, residents, and/or visitors, or assist the City in implementing an approved plan or policy. The developer is proposing to provide the following four (4) community benefits (minimum of three (3) are required):

- Public Plaza – Section 25.12.040(C)(1). – The applicant is proposing a public plaza as one of their community benefits under the Tier 3 development. The plaza would be located on the Airport Boulevard frontage and would be approximately 8,000 SF in area (5,000 SF minimum required to qualify as a benefit) with concrete pavers and six (6) new 36-inch box sized London Plane trees. The new plaza would include planting and seating areas for workers in the new development as well as to the general public. There would be eight (8) bicycle parking spaces. Street lighting would be provided as well as the required trash and recycling receptacles.
- Publicly Accessible Park Space (Shoreline Plaza) – Section 25.12.040(C)(2). - The project includes providing approximately 24,100 SF of publicly accessible park space at the rear of the property. This space would be provided in the form of a sloped lawn with integrated seating terraces to create an informal amphitheater overlooking the Bay Trail and Burlingame Lagoon. The space would include seat walls, tables and chairs, ornamental gardens with native plantings, and shade trees. There would be night lighting and dedicated public parking in addition to fourteen (14) public bicycle parking spaces. This space would be equipped with an accessible drinking fountain and trash and recycle receptacles. In addition, this park space would include a dog fountain, as well as the convenience of dog bag dispensers.
- Off-Site Streetscape Improvements – Section 25.12.040(C)(6). - The project includes providing off-site streetscape improvements for an approximately 24,500 SF portion of land that abuts the property on the northwest corner. These improvements would be located within the Anza Boulevard right-of-way and include a widened 14-foot trail path between the property line and the Anza bridge underpass (approximately 150 linear feet) that would create a new accessible path connecting the Bay Trail to the Anza Boulevard sidewalk. There is currently an existing semi-mature Live Oak tree within the Anza Boulevard right-of-way that would be preserved in conjunction with these off-site improvements. This area would also include a picnic plaza and exercise node overlooking the lagoon, and over 15,000 SF of native-focused coastal scrub and perennial plantings on the Anza embankment. Improvements in this area complement the more publicly access park space detailed in the above noted community benefit and would provide a cohesive connection. While the applicant would do the improvements to this area, the City of Burlingame would maintain and irrigate this area, as is the current condition.
- Sea Level Rise Infrastructure - Section 25.12.040(C)(12). – The project includes improvements that would enhance long-term shoreline sea level rise resilience. Project Civil and Geotechnical engineers have collaborated on the design and detailing of the riprap revetment (see sheet C10.001 for revetment plan and sections). The riprap shoreline revetment as shown has been coordinated with landscape shoreline improvements. The project improvements would raise the shoreline, Bay Trail, and adjacent improvements (publicly accessible park space) to a minimum elevation of 13 feet. This elevation is based

on the City of Burlingame's "Map of Future Conditions" and is intended to provide sea level rise resilience through mid-century. However, the plan has been designed to allow shoreline adaptation to a minimum 16' shoreline elevation in the future, therefore accommodating projected sea level rise through end of century.

Please refer to the attached Special Permit form completed by the applicant for development under the Tier 3 standards. In addition to the Special Permit, the applicant has provided detailed visual and written overview for the proposed Community Benefits (see attachment).

**Off-Street Parking/Transportation Demand Management (TDM) Plan:** With the proposed project, there would be a total of 403,400 SF of office or office/R&D uses on the site. Code Section 25.40.030 requires 1 space per 400 SF for office uses or 1 space per 1,000 SF of laboratory/R&D. If the entire building is utilized only for an office use, a total of 968 off-street parking spaces would be required. If the entire building is utilized only for a lab/R&D use, a total of 387 off-street parking spaces would be required. In a more likely scenario where 50% of the building is used for office and 50% is used for lab/R&D, a total of 678 off-street parking space would be required.

The required off-street parking may be reduced by 20% through implementation of a Transportation Demand Management (TDM) Plan per the City's Climate Action Plan policies and the Transportation Demand Management Chapter 25.43, which requires a TDM for any nonresidential development of 10,000 SF or more. However, because the end user is unknown at this time, the applicant has designed the project to be parked to code for the most intensive use (office), providing 926 on-site spaces, which meets the code requirement parking ratio of 1 space per 400 SF for office (with approval of a TDM).

Of the 926 parking spaces for the new building, 108 spaces would be electric vehicle (EV) charging stations and 78 would be EV ready spaces. There would also be 19 surface parking spaces located along the south side and at the rear of the building, 11 of which would be dedicated for users of the abutting Bay Trail, as required by the Bay Conservation Development Commission (BCDC). The project would also include a bicycle storage room with capacity for 52 bicycles, with an additional 24 bicycle parking spaces on the exterior around the building.

A Traffic Impact Analysis Report (TIA) was prepared by Fehr and Peers, dated June 2022 (see Appendix F of the CEQA document). This document was reviewed by the City of Burlingame traffic engineers. The purpose of the report is to evaluate the project's traffic impacts to the surrounding transportation system pursuant to requirements under CEQA.

Generally, projects within one-half mile of an existing "major transit stop" or a stop along an existing "high quality transit corridor" should be presumed to cause a less-than-significant transportation impact. A high-quality transit corridor is defined as a corridor with fixed-route bus service intervals no longer than 15 minutes during commute hours. The project site is located approximately 200 feet from a Commute.org shuttle stop (Bayfront commuter shuttle), located at 800 Airport Boulevard, and is served by the Burlingame Point shuttle route. Based on the Burlingame Point Shuttle schedule, the service operates on approximately 15-minute intervals during peak commute periods and thus, the shuttle's route along Airport Boulevard would qualify as a high-quality transit corridor. Therefore, a vehicle miles traveled (VMT) impact analysis was not required per the Governor's Office of Planning and Research's (OPR) 2018 Technical Advisory and the 2022 CEQA Guidelines.

The TIA analyzed trip generation rates from the proposed project and estimates that the project would generate approximately 330 and 278 net new vehicle ng the a.m. and p.m. peak hour, respectively. The TIA also looked at potential impacts and delays on nearby intersections, which is called a level of service (LOS) study. The LOS analysis is presented for informational purposes only since California Senate Bill 743 declared that vehicle delay metrics, such as level of service, can no longer be used to assess project impacts under CEQA. However, in order for the City of Burlingame to determine impacts on the City infrastructure, this information is necessary to determine where potential delays may occur and where road and intersection modifications may be required based on the anticipated traffic increases resulting from development projects.

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

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

The proposed project would be benefitting from the allowed 20% parking reduction and given that the end user is unknown, the TDM plan nonetheless provides implementation measures to encourage alternative forms of transportation and to reduce the parking demand. Proposed TDM measures are described in greater detail in the TDM Plan, but in summary they include the following:

- Bicycle Parking - The Project would include 52 enclosed bicycle parking spaces and 24 bicycle racks outside at the front of the building near the public plaza and at the rear of the site within the publicly accessible park space.
- Implement Commute Trip Reduction Marketing - This measure would require tenants to implement a marketing strategy that promotes employee trip reduction including: information sharing and marketing and additional amenities that make it easy for employees to opt for non-auto mode.
- Transportation Manager & Commute Marketing Program – This measure would require each employer to retain a transportation manager or designated employee for transportation related marketing to generate positive impacts on the success of the TDM goals and elements. This role would handle such things as: commute program assistance to employees, working with local agencies as needed, such as Caltrain, SamTrans, 511 Rideshare, and the Bay Area Air Quality Management District (BAAQMD) and the Commute.org, conducting annual employee surveys and provide reports to the City of Burlingame that include commute patterns, mode splits, and TDM program success, conducting on-site transportation fairs and promotional events, hosting bicycle safety classes (with Commute.org or a local bicycle advocacy organization) and posting informational materials on transportation kiosks in common areas, as well as disperse alternative program information to employees via posters, flyers, banners, community newsletter.
- Subsidized transit passes - C/CAG's TDM Program requires a subsidy of up to \$50 or 30% of the value of a monthly fare, whichever is cheaper. The proposed project would provide an approximately \$40 monthly transit pass subsidy, this would cover about 30% of a typical two-zone Caltrain monthly pass (as of May 2022). The average San Mateo County home-based work vehicle trip length is 17 miles, therefore a two Caltrain zone pass would be consistent with this County average. As an optional alternative, the applicant and/or tenants may consider the GoPass, which is provided by Caltrain, and allows companies to purchase annual unlimited-ride passes for all eligible employees. The annual cost of participating in the 2022 Go Pass program is the greater of \$342 per eligible user (all employees are considered eligible users, not just those who ride transit) or \$28,728.

- Provide Employer-Sponsored Vanpool - This measure would require that an employer-sponsored vanpool service be established. In most cases, vanpooling vehicles are leased and provided by employers, non-profit organizations, government agencies, or public-private partnerships. Tenants/employers should provide incentives, including financial, to help facilitate participation.
- Guaranteed Ride Home Program – It is often the case that employees do not use alternative modes of transportation because of the fear of being stranded at work with no transportation option within ones control. This could be due to an unexpected family emergency or because someone needs to work late, or when there are disruptions in transit service. This TDM measure would establish a Guaranteed Ride Home program. This type of program would allow an employee to use a taxi service, rental car, or other means to get home, at the employer’s expense should any of the above noted situations occur. Currently Commute.org provides a Guaranteed Ride Home program for all employees in San Mateo County who use an alternative to driving alone to get to work. The program is free for employees to participate in, and subsidizes up to \$60 per trip up to four times per calendar year.

There are other measures recommended in C.S. 25.43.030 that could be easily implemented once a tenant or tenants are known for this building, and such measures can be added to the TDM program. These include free preferential carpool and vanpool parking and loading zones, on-site amenities, and compressed work weeks. Evaluating the performance and success of the TDM plan is essential to ensure TDM measures are implemented and effective. C.S.25.43.070 lays out specific requirements for TDM monitoring and evaluation. This code section states that the TDM holder (employer) is required to designate an official contact for the TDM program. This person would be responsible for administering carpool and vanpool ride-matching services and promotional programs, updates information on the information boards/kiosks, and is the official contact for the administration of the TDM annual report. The name and phone number of the designated TDM contact is required to be provided to the City.

This section also requires that a TDM annual report to be submitted to the City of Burlingame. The report must be prepared by a qualified, independent consultant and paid for by the owner (or if applicable, tenant). The initial, or baseline, driveway trip count report is to be conducted and submitted one year after the granting of a certificate of occupancy for 75 percent or more of the project and then annually. The TDM report is required to consist of a quantitative measure of whether the volumes at the site’s driveways are meeting the goal. This annual report also needs to include information about the level of alternative mode-uses and/or provide trip counts, and in the event a 20 percent reduction in peak-hour vehicle trips and reduction in overall parking demand is not met, the report shall explain how and why the goal has not been reached; in such a circumstance the annual report must identify a work plan, to be approved by the City of Burlingame, which describes additional or alternative measures for implementation that would be necessary to enhance the TDM program to attain the TDM goal of a 20 percent reduction in peak-hour vehicle trips.

The City would need to consider whether the employer/tenant has made a good faith effort to meet the TDM goals and may allow the owner (or if applicable, tenant) a six-month “grace period” to implement additional TDM measures to achieve the 20 percent vehicle trip reduction.

**Landscaping:** Landscaping proposed on and off the site is shown on the landscape plans, sheets L0.001 through L9.052. There is a significant amount of landscape improvements proposed (on and off site) as detailed in the community benefits section above.

Community Benefit #5 proposes improvements to approximately 24,500 SF that is located off-site within the public right-of-way, abutting Anza Boulevard and the Burlingame Lagoon. This area would include a new ADA compliant path to be installed connecting the Bay Trail to the sidewalk on Anza Boulevard. This area would include a picnic plaza and exercise node closer to the lagoon, and over 15,000 SF of native-focused coastal scrub and perennial plantings on the Anza embankment. While this area is within the public right-of-way, as part of the project this area would be improved by the applicant with upgraded landscaping and accessible paths

integrated into the site design with the Bay Trail. For this portion of the public right-of-way, the public sidewalk and the private property where the new building is being constructed would cohesively be united with landscaping and amenities so that to the general public the boundary between the public and private property would be seamless. Since this 24,500 SF of off-site improvements proposed under Community Benefit #5 is within the public right-of-way, it would continue to be maintained by the City of Burlingame. All irrigation for this portion would also be tied into the City's existing irrigation so that the irrigation is under the existing City irrigation controller.

Because of the large amount of soil import needed to increase the elevation for the sea level rise infrastructure, all existing trees would need to be removed from the site as they would not be able to survive the change in elevation, with roots and trunks buried. The applicant has prepared an arborist report which details this situation. The applicant team met with the City Arborist regarding this issue and they agreed that only the existing Oak tree located in the right-of-way along Anza Boulevard would be retained, as shown on the landscape plans and Community Benefits sheet.

There are 89 existing trees on-site, including 45 protected-sized trees. The project would remove a total of 44 protected-sized trees on-site, 44 unprotected trees on-site, and 34 off-site trees. The project would include planting 106 new 24-inch and 36-inch box size trees (both on and off site).

The BFC development standards require that 20% (26,895 SF) of the site be landscaped; the project is proposing 33.2% (44,630 SF) landscaping which include combined planting and enhanced hardscape which is allowed per C.S. 25.36.040. In addition to this requirement, the code requires that a minimum of 10% (2,027 SF) of the parking area be landscaped; 15.5% (3,150 SF) of the surface parking area is proposed to include landscaping and is therefore in compliance with this requirement.

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

Per Code Section 25.12.050(A), the project proposes a phased approach to providing resilience to sea level rise, with protection built to a minimum elevation of 13 feet to provide sea level rise resilience through mid-century. The project has been designed for adaptation to a minimum 16' shoreline elevation in the future to accommodate projected sea level rise through end of century. Conditions of approval have been included to ensure maintenance of the sea level rise infrastructure and facilitate adaptation to end-of-century protection. Recognizing the investment and benefit to the community of such improvements, Code Section 25.12.040(C)(12) allows shoreline sea level rise protection to be counted as a community benefit.

**Shoreline Improvements/Bay Conservation and Development Commission (BCDC):** On May 9, 2022 the proposed project was initially reviewed by BCDC's Design Review Board and it was fairly well received. Evidence of final approval by the BCDC Board will be required prior to building permit issuance, which is included as a condition of approval #18. The project would widen the existing approximately 280-foot-long stretch of the Bay Trail passing through the project site to 14 feet and would add nighttime lighting. The project would also include waterside seating areas with communal tables, a drinking fountain, a shoreline plaza, a sloped garden-enclosed lawn with views of the Burlingame Lagoon, and lawn terraces. The elevation of the Bay Trail would be increased to 13 feet to address sea level rise, and the applicant has demonstrated that the Bay Trail and community benefits at the rear of the site could be adapted to an elevation of 16 feet (end of century estimated elevation needed to accommodate sea level rise) as requested by BCDC. A final approval hearing date with the BCDC has not yet been set, but is estimated that BCDC would take action on this project in early 2023.

**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.

C.S. 25.46.08 states that the Public Facilities Impact Fees shall be determined by the *fee schedule in effect on the date the vesting tentative map or vesting parcel map is approved, or the date a development permit is issued*. Based on the proposed office/R&D building, the estimated public facilities impact fees for this development project total \$3,554,753. These fees are required to be paid in full, prior to issuance of the building permit and will be re-calculated based on the fee schedule in effect at the time of building permit issuance given that there is no map action required with this application.

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

Based on the proposed office/R&D building, the estimated Commercial Linkage Fee for this development project totals \$7,465,855 with prevailing wage or \$9,370,369 without prevailing wages. These are estimates only because C.S. 25.44.040 states that these fees shall be calculated based on the *fee schedule in effect at the time the building permit is issued*. The Commercial Linkage fee is required to be paid in full, prior to issuance of the building permit.

**Bayfront Development Fees:** Previous projects in the Bayfront have been subject to Bayfront Development fees in lieu of the Public Facilities Streets and Traffic fee. Once the Bayfront Development Fee is repealed, Bayfront projects will be subject to the full range of Public Facilities Impact Fees, including the Streets and Traffic Fee. C.S. 25.46.08 states that the Public Facilities Impact Fees shall be determined by the *fee schedule in effect on the date the vesting tentative map or vesting parcel map is approved, or the date a development permit is issued*.

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

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

**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 building will be removing a dated hotel and provides a fresh and modern architectural style on a site that is visible from both Highway 101 and Anza and Airport Boulevards; that the new building features a variety of materials including wood soffit materials and stainless steel clad columns on the ground floor promenade and metal panel systems and unitized curtain wall aluminum framing with spandrel glass on the upper body of the building detailed with extruded aluminum fins. The fins, with a geometric pattern, provide visual interest and add detail to the structure; these materials blend with the existing office and hotel buildings in the area and are also be compatible with the newer buildings in the surrounding area;
- That the proposed project respects and promotes pedestrian activity in this district with the overall site design with the parking entrance located on the south side, not facing the street; there are only be a small number of surface parking spaces provided on-site that are tucked at the rear of the building primarily serving Bay Trail users;
- That the proposed project encourages pedestrian activity through improvements to the sidewalk and streetscape on Anza and Airport Boulevards, including a new approximately 8,000 SF public plaza with inviting night lighting and landscaping, and improvements to the Bay Trail. A continuous pedestrian path along the southern edge of the building connects the Airport Boulevard Plaza to the shoreline improvements, and a new accessible path connects the Anza Boulevard streetscape to the shoreline improvements;
- That the site is located on the southern portion of the Bayfront adjacent to a mix of hotels and office buildings. The building heights in this area include several hotels ranging from six to nine stories and a recently approved eight story office building that is currently under construction, as well as the campus to the south with office buildings and parking structures ranging from five to eight stories. While the proposed project is 13 stories tall, its prominent corner location acts as an anchor to this gateway intersection at Anza and Airport Boulevards; and that it will be compatible with the mass and bulk of buildings in the area and is consistent with the overall heights established in the General Plan and the Zoning Code; and
- That the proposed landscaping on the site, as well as the improvements off-site including the planting of 106 new trees on-site and off-site, enhances this site that fronts on the Burlingame Lagoon and is prominently viewed from Highway 101 and from Anza and Airport Boulevards; that the proposed project significantly improves the pedestrian experience along Airport Boulevard and the pedestrian and bicyclist experience along the Bay Trail, provides substantial new amenities along the Bay Trail that would be accessible to the public, promotes accessibility to the Bay Trail, and enhances shoreline resilience to and protection from sea-level rise.

**Required Findings for Special Permit:** Any decision to approve a Special Permit application pursuant to this chapter shall be supported by written findings addressing the criteria set forth in this chapter. In making such determination, the following findings shall be made (as outlined in Code Section 25.78.060(B) :

- The proposed modification to standards respects and preserves the character of the neighborhood in which the project is located;
- 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
- 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 13-story building is a modification to the 65-foot height limit, the proposed project has been redesigned to respect and preserve the character of the Bayfront neighborhood in that the project site is uniquely located on a narrow corner property that is a prominent site visible from Highway 101, Anza Boulevard and Airport Boulevard; that while the building is 13 stories tall, this increased height facilitates less surface parking and maintains view corridors. Given that below grade parking is not generally designed into Bayfront projects given geologic conditions, the on-site parking has been incorporated into the overall design resulting in the increased height; overall the height is in context with surrounding hotel and office buildings, with the upper limit being 15 stories (Hilton Hotel)
- 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 with three distinct terraces that have substantial recesses into the building elevations on the upper six floors that provides depth on both the north and south elevations; that the proposed building includes high quality materials and is compatible with buildings in the area that are five to eight stories in height; that the proposed modification allows additional height and results in a higher intensity office/research that allows 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 at the front along Airport Boulevard, the Shoreline Plaza with 24,100 SF of publicly accessible spaces that will be created, and the redeveloped Bay Trail. The additional height is consistent with existing character of the Bayfront District; and
- That the proposed height of the building is consistent with the goals and policies of the Burlingame General Plan.

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

- That the proposed modification to standards respects and preserves the character of the neighborhood in which the project is located because the Tier 3 development for this project with increased floor area ratio (FAR) facilitates a design that accommodates greater open space and public improvements on-site that complement and also enhance proposed off-site public improvements; that the proposed FAR is appropriate for this site given the limitations due to the site width and depth; that the community benefits proposed improve the pedestrian experience along Airport Boulevard and the pedestrian and bicyclist experience along the Bay Trail, provide substantial new amenities along the Bay Trail that will be accessible to the public, promote accessibility to the Bay Trail, and enhance shoreline resilience to and protection from sea-level rise and therefore respect and preserve the character of the neighborhood in which the project is located;
- That the proposed project will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare or convenience because the 3.0 FAR is not anticipated to have any significant adverse impact on the environmental on surrounding properties sanitation, air quality, sewer or stormwater discharge, or water supply, and all public safety requirements will be addressed; and that the proposed development has been designed in compliance with all required setbacks and includes landscape buffers and pedestrian amenities that complement the building design; and
- That the proposed height of the building and the additional development capacity, with a Tier 3 development at 3.0 FAR is consistent with General Plan goals and policies.

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

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

At the public hearing the following conditions should be considered:

1. that the project shall be built as shown on the plans submitted to the Planning Division date stamped September 26, 2022, sheets A0.01 through A2.05, sheets LS0.01 through LS0.05, sheets G1.01 through G1.07, sheets C0.001 through C10.001, and sheets L0.001 through L9.052;
2. that prior to issuance of a building permit for construction of the project, the project construction plans shall be modified to include a cover sheet listing all conditions of approval adopted by the Planning Commission; which shall remain a part of all sets of approved plans throughout the construction process. Compliance with all conditions of approval is required; the conditions of approval shall not be modified or changed without the approval of the Planning Commission, or City Council on appeal;
3. that any changes to the size or envelope of building, which would include changing or adding exterior walls or parapet walls, or changes to building materials, exterior finishes, windows, architectural features, roof height, and amount or type of hardscape materials shall be subject to Planning Division or Planning Commission review (FYI or amendment to be determined by Planning staff);
4. that construction of the foundation systems for the building and parking garage shall not include pile driving;
5. that the conditions of the Building Division's August 25, 2022 memo, the Fire Division's October 6, 2022 memo, the Engineering Division's September 2, 2022 memo, and the Stormwater Division's October 14, 2022 memo shall be met;
6. that prior to issuance of a building permit for the project, the applicant shall pay in full the commercial linkage fee (final fee amount to be calculated based on the fee schedule in effect at the time the building permit is issued), made payable to the City of Burlingame and submitted to the Planning Division; fees shall be payable to the City of Burlingame and submitted to the Planning Division;
7. that prior to issuance of a building permit for the project, the applicant shall pay in full the Public Facilities Impact Fee (final fee amount to be calculated based on the fee schedule in effect at the time the building permit is issued), made payable to the City of Burlingame and submitted to the Planning Division; fees shall be payable to the City of Burlingame and submitted to the Planning Division;
8. that prior to issuance of a building permit for the project, the applicant shall pay the first half of the Bayfront Development Fee, if applicable (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;

9. that prior to approval of final framing of the building, the applicant shall pay the second half of the Bayfront Development Fee, if applicable (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;
10. that the project design measures outlined in the Water Supply Assessment, dated October 2022, prepared by EKI Environment & Water Inc., shall be included on the plans submitted to the Building Division; including installing purple piping in the frontage of the project site for future recycled water usage; implementing the Prescriptive Compliance Option of the Model Water Efficient Landscaping Ordinance (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 Fehr & Peers, dated May 2022;
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 (10<sup>th</sup> 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 August 29, 2022, FAA Determination of No Hazard to Air Navigation for the project is still current and has not expired (February 29, 2024) and if expired, a new FAA Determination of No Hazard to Air Navigation shall be submitted to the City of Burlingame prior to building permit issuance for vertical construction;
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 approximately 24,500 SF of off-site streetscape improvements (Community Benefit #5) in the northwest corner, abutting Anza Boulevard and Burlingame Lagoon, shall be approved by the City of Burlingame Parks Division with respect to plant species and irrigation prior to issuance of a building permit; this area shall be improved as per the plans date stamped September 26, 2022 and maintained by the City of Burlingame; all irrigation for this portion shall be tied in to the City's existing irrigation so that the irrigation is under the existing City irrigation controller;
21. that the applicant must 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 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.
22. that prior to issuance of the superstructure building permit, the applicant shall execute an agreement with the City identifying the landowner's ongoing maintenance obligations for the shoreline infrastructure approved as part of a development;
23. 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;
24. 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;
25. 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;
26. 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;
27. that storage of construction materials and equipment on the street or in the public right-of-way shall be prohibited;

28. 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;
29. 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;
30. 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.
31. 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;
32. 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;
33. 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;
34. 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;
35. that the applicant shall comply with Ordinance 1503, the City of Burlingame Storm Water Management and Discharge Control Ordinance;

36. that this project shall comply with Ordinance No. 1477, Exterior Illumination Ordinance;
37. 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:**

38. that prior to scheduling the foundation inspection a licensed surveyor shall locate the property corners, set the building envelope;
39. that prior to the underfloor frame inspection the surveyor shall certify the first floor elevation of the new structure;
40. 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;
41. 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;
42. that prior to final inspection, Planning Division staff will inspect and note compliance of the architectural details (trim materials, window type, etc.) to verify that the project has been built according to the approved Planning and Building plans;

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

43. that the applicant shall require all construction contractors to implement the basic construction mitigation measures recommended by the Bay Area Air Quality Management District (BAAQMD) to reduce fugitive dust emissions. Additional measures may be identified by the BAAQMD or contractor as appropriate. Emission reduction measures will include, at a minimum, the following measures:
  - All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
  - All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
  - All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
  - All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
  - All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
  - Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
  - All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.
44. that all construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA Tier 4 emission standards for particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), if feasible. If use of Tier 4 equipment is not available, alternatively use equipment that meets U.S. EPA emission standards for Tier 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices. Alternatively, the applicant can also use alternatively fueled or electric equipment;
45. that Pre-construction nesting bird surveys shall be completed prior to tree removal if removal or construction is proposed to commence during the breeding season (February 1 to August 31) in order to avoid impacts to nesting birds. Surveys shall be completed by a qualified biologist no more than 14 days before construction begins. During this survey, the biologist or ornithologist shall inspect all trees and other possible nesting habitats in and within 250 feet of the project boundary. If an active nest is found in an area that would be disturbed by construction, the ornithologist shall designate an adequate buffer zone (~250 feet) to be established around the nest. The buffer would ensure that nests shall not be disturbed until the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts. The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Community Development Director, prior to the removal of trees and issuance of a grading permit or demolition permit;
46. *Tree Protection Measures*
- Trees to be preserved are to be protected by a fence which is to be maintained at all times at a minimum distance of the canopy dripline. All fill soil shall be kept out of the tree protection zones (TPZ) both during and after construction.
  - Protected trees that have been damaged or destroyed by construction shall be replaced or the city shall be reimbursed, as provided in Section 11.06.090 of the City's Municipal Code.
  - Chemicals or other construction materials shall not be stored within the drip line of protected trees.
  - Drains shall be provided as required by the director whenever fill soil is placed around protected trees.
  - Signs, wires, or similar device shall not be attached to protected trees.
  - Should any construction activity take place within the Critical Root Zone (CRZ) of any trees, stress reduction measures shall be implemented. These can include:
    - Air spading and root pruning
    - Fencing
    - Signage on the fencing
    - Biostimulant and growth regulator treatments in advance of disturbance
  - Anti-compaction measures shall be implemented inside the CRZ but outside the TPZ if they do not coincide.
  - Follow ANSI A300 Pruning Standards when conducting any pruning on trees. Any pruning beyond 20 percent of the tree canopy should be approved by project arborist.
47. *Undiscovered Archaeological Resources.* If evidence of an archaeological site or other suspected cultural resource as defined by CEQA Guideline Section 15064.5, including darkened soil representing past human activity ("midden"), that could conceal material remains (e.g., worked stone, worked bone, fired clay vessels, faunal bone, hearths, storage pits, or burials) is discovered during construction related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted and the City's Community Development Director shall be notified. The project sponsor shall hire a qualified archaeologist to conduct a field investigation. The City's Community Development Director shall consult with the archaeologist to assess the significance of the find. Impacts to any significant resources shall be

mitigated to a less-than-significant level through data recovery or other methods determined adequate by a qualified archaeologist and that are consistent with the Secretary of the Interior's Standards for Archaeological documentation. Any identified cultural resources shall be recorded on the appropriate California Department of Parks and Recreation (DPR) 523 (A-J) form and filed with the Northwest Information Center (NWIC);

48. *Report of Archaeological Resources.* If archaeological resources are identified, a final report summarizing the discovery of cultural materials shall be submitted to the City's Community Development Director prior to issuance of building permits. This report shall contain a description of the mitigation program that was implemented and its results, including a description of the monitoring and testing program, a list of the resources found and conclusion, and a description of the disposition/curation of the resources;
49. *Human Remains.* If human remains are discovered at any project construction site during any phase of construction, all ground-disturbing activity within 100 feet of the resources shall be halted and the City's Community Development Director and the San Mateo County Coroner shall be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project sponsor shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. The City of Burlingame shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of State law, as set forth in CEQA Guidelines section 15064.5(e) and Public Resources Code section 5097.98. The project sponsor shall implement approved mitigation, to be verified by the City of Burlingame, before the resumption of ground-disturbing activities within 100 feet of where the remains were discovered;
50. *Unique Paleontological and/or Geologic Features and Reporting.* Should a unique paleontological resource or site or unique geological feature be identified at the project site during any phase of construction, all ground disturbing activities within 50 feet shall cease and the City's Community Development Director notified immediately. A qualified paleontologist shall evaluate the find and prescribe mitigation measures to reduce impacts to a less than significant level. Work may proceed on other parts of the project site while mitigation for paleontological resources or geologic features is implemented. Upon completion of the paleontological assessment, a report shall be submitted to the City and, if paleontological materials are recovered, a paleontological repository, such as the University of California Museum of Paleontology;
51. In accordance with FAR Part 77, an aeronautical study shall be completed by the FAA for the proposed project which analyzes the final maximum height of the proposed building. The project shall obtain clearance from the FAA in the form of an issuance of Determination of No Hazard prior to the commencement of construction. Any conditions set forth in the FAA Determination of No Hazard shall be incorporated into the project. The aeronautical study and Determination of No Hazard shall be submitted to the Community Development Director; and
52. that the project shall be subject to the applicable construction hour limitations established by the City's Municipal Code. Per Municipal Code 18.07.110, noise-generating construction operations shall be limited to the hours between 8 a.m. and 7 p.m. Monday through Friday, and between 9 a.m. and 6 p.m. on Saturdays, with no construction on Sundays or holidays, per Municipal Code Section 13.04.100. In the Bayfront Commercial (BFC) zone, construction work may begin at 7:00 a.m. instead of 8:00 a.m. on weekdays. However, the use of chainsaws, jackhammers, pile-drivers or pneumatic impact wrenches shall be prohibited from 7:00 a.m. to 8:00 a.m., unless written approval is granted by the building official.

Development projects that are subject to discretionary review and that are located near noise-sensitive land uses shall assess potential construction noise levels and minimize substantial adverse impacts by implementing feasible construction noise control measures that reduce construction noise levels at sensitive receptor locations. Such measures may include, but are not limited to: 1) Construction management techniques (e.g., siting staging areas away from noise-sensitive land uses, phasing activities to take advantage of shielding/attenuation provided by topographic features or buildings, monitoring construction noise); 2) Construction equipment controls (e.g., ensuring equipment has mufflers, use of electric hook-ups instead of generators); 3) Use of temporary sound barriers (equipment enclosures, berms, walls, blankets, or other devices) when necessary; and 4) Monitoring of actual construction noise levels to verify the need for noise controls.

Catherine Keylon  
Senior Planner

c: Marc Huffman, LPC West  
Uli Peinado AIA, Gensler, architect

Attachments:

September 12, 2022 Planning Commission Minutes (2<sup>nd</sup> Design Review Study Meeting)  
Applicant's Response Letter, dated November 7, 2022  
June 13, 2022 Planning Commission Minutes (Environmental Scoping/Design Review Study)  
Applicant's Response Letter, dated September 6, 2022  
Application to the Planning Commission  
Commercial Application  
Project Description, submitted by the applicant, dated April 7, 2022  
Special Permit Applications (with consistency with GP Goals & Policy Overview)  
- Building Height  
- Tier 3 with Community Benefits Summary  
Environmental Information Form  
Climate Action Plan (CAP) Consistency Checklist  
TDM Plan, prepared by Fehr & Peers, dated May 2022  
Comment Letters  
- A. Leigh, dated June 12, 2022  
- A. Leigh, dated September 2, 2022  
- Burlingame/SFO Chamber of Commerce, dated October 14, 2022  
Planning Commission Resolutions (proposed)  
Notice of Public Hearing – Mailed November 4, 2022  
Area Map

Separate Attachments

Initial Study - CEQA Streamlined Checklist 15183, dated November 2022, prepared by David J. Powers