

1200-1340 Old Bayshore Highway Project EIR

Findings and Statements Required by the California Environmental Quality Act (Public Resources Code Section 21000 *et seq*)

I. Introduction

On behalf of the City of Burlingame (the “City”), and pursuant to the California Environmental Quality Act (“CEQA”) and Title 14, Chapter 3 of the California Code of Regulations (the “CEQA Guidelines”), the City’s Planning Division has prepared an Environmental Impact Report (the “EIR”) for the proposed 1200-1340 Old Bayshore Highway project (the “Project”). The City is the lead agency for the EIR.

To support its certification of the EIR and approval of the Project, the City Council of the City of Burlingame makes the following findings of fact (the “Findings”). These Findings contain the City Council’s written analysis and conclusion regarding the Project’s environmental effects, mitigation measures, and alternatives to the proposed Project. These Findings are based upon the entire record of proceedings for the EIR, as described below.

II. 1200-1340 Old Bayshore Highway Project and Environmental Review

The Project would include a life science and/or office development consisting of three life science and/or office buildings and two parking structures, along with site circulation, infrastructure, recreational and landscaping improvements. All existing buildings and surface parking lots on the Project site would be demolished and removed. The three 11-story buildings would total approximately 1.42 million gross square feet (gsf) and would include various tenant amenities and 5,000 gsf of café/restaurant space. The two parking structures would be 10 to 10½-stories tall with two basement levels of parking, providing a total of 3,400 parking spaces. Approximately 237,600 square feet (sf) of open space would be provided (approximately 137,553 sf of which would be landscaped), and a new 1,475-foot segment of the San Francisco Bay Trail would be extended across the eastern edge of the Project site, connecting the existing segments of the Bay Trail at the north and south ends of the Project site. The proposed Project also includes improvements to increase resilience to sea level rise and flooding, including raised ground elevation, sea walls, flood walls, and riprap slopes.

In the summer of 2022, pursuant to State CEQA Guidelines Section 15063, the City determined that the Project could result in potentially significant environmental impacts and that an EIR would be required. In compliance with Section 21092 of CEQA, the City circulated a Notice of Preparation (“NOP”) of a Draft Subsequent EIR (the “DEIR”) for the Project to the Office of Planning and Research (OPR) State Clearinghouse and interested agencies and persons on August 12, 2022 for a 30-day review period. The NOP solicited comments regarding the scope of the DEIR from identified responsible and trustee agencies, as well as interested parties.

The DEIR was published by the City on September 30, 2023 initiating a 45-day public review period, which was subsequently extended to 51 days, during which time the City accepted comments on the Draft EIR. The public review period for the Draft EIR for the proposed Project was from September 20, 2023 through November 9, 2023. During the comment period, the interested public and responsible and trustee agencies were invited to submit comments on the DEIR to the City’s Community Development Department. Written and verbal comments on the DEIR were also accepted at a Planning Commission hearing held on October 23, 2023. The DEIR is available on the City’s website (www.burlingame.org/1200-1340bayshore) and can be reviewed in hard copy at City Hall.

Following the completion of the public review period, the City reviewed all comments received on the DEIR and prepared a Final Environmental Impact Report (the “FEIR”). The FEIR, which incorporates by reference the DEIR, includes all comments received during the public review period, responses to those comments, and also describes any changes to the DEIR that resulted from the comments received. All persons who commented on the DEIR have been notified of the availability of the FEIR and the date of the public hearing on the Project before the City Council, and all responses to comments submitted on the DEIR by public agencies have been provided to those agencies at least 10 days prior to the City Council hearing.

Section 21081.6 of CEQA requires lead agencies to adopt a mitigation monitoring or reporting program (“MMRP”) for any project for which it has made mitigation findings pursuant to Section 21081. The City has prepared an MMRP for the Project, which has been made available to the public with the FEIR.

The EIR is the subject of these Findings and presented for City Council certification consists of the DEIR, the FEIR, and the MMRP.

The City approvals necessary for implementation of the Project are:

Jurisdiction	Permits/Approval
City of Burlingame	Certification of the Final EIR and adoption of the MMRP Commercial Design Review Vesting Tentative Map and Final Parcel Map Approval Special Permits for Height above 65 feet and Tier 3 Increased FAR (per BFC Zone) Tree removal permits Master sign program Development Agreement

The Project may require approvals from other federal, regional and state entities, including, but not limited to, the Federal Aviation Administration, the County Association of Governments of San Mateo County/Airport Land Use Commission (ALUC), Association of Bay Area Governments (ABAG), U.S. Army Corps of Engineers, California Department of Fish & Wildlife, Caltrans, San Francisco Bay Conservation Development Commission (BCDC),

San Francisco Bay Regional Water Quality Control Board, City/County Association of Governments of San Mateo County (C/CAG), Bay Area Air Quality Management District, and/or National Marine Fisheries Service (NOAA).

The EIR was prepared to meet all applicable CEQA requirements necessary to support these actions by the City Council and the responsible agencies.

III. General Findings and Overview

A. Record of Proceedings and Custodian of Record

For purposes of CEQA and these Findings, the record of proceedings consists of the following documents and testimony, at a minimum:

- The EIR, which consists of the *1200-1340 Old Bayshore Highway Project Draft Environmental Impact Report* (State Clearinghouse No. 2022080299), dated September 20, 2023 and published and circulated for public review and comment by the City from September 20, 2023, through November 3, 2023 (the DEIR), and the *1200-1340 Old Bayshore Highway Response to Comments Document*, published and made available for review on February 29, 2024 (the FEIR), and all appendices, reports, documents, studies, memoranda, maps, testimony, and other materials related thereto;
- All public notices issued by the City in connection with the Project and the preparation of the DEIR and the FEIR, including but not limited to public notices for the scoping session held to seek public comments and input on the Project;
- All written and oral communications submitted by agencies or interested members of the general public during and immediately after the public review periods for the DEIR and FEIR, including oral communications made at public hearings or meetings held for the Project;
- All minutes, testimony, statements, comments and other materials memorializing, describing or relating to, meetings, scoping session, and hearings conducted by the City Council, the Planning Commission, and all other departments of the City relating to the City's review and consideration of the Project;
- All other public reports, studies, documents, memoranda, maps, or other materials reviewed and/or considered by the City in connection with its review and consideration of the proposed Project, the DEIR, the FEIR, and the MMRP, whether prepared by the City, its consultants, or by third parties;
- All matters of common knowledge to the members of the City's Planning Commission and City Council, including but not limited to: (i) the Burlingame General Plan, zoning ordinance, and other applicable policies and ordinances; (ii) information regarding the City's fiscal status and economic and development patterns and trends; (iii) federal, state and local laws, regulations, guidelines and publications applicable to or affecting the Project; and (iv) reports, projections, documents and other materials regarding statewide, regional, and local planning and development matters within and outside of the City; and
- All other documents and materials relating to the Project as described in Public Resources Code Section 21167.6, as applicable.

The record of proceedings is available for review by responsible agencies and interested members of the public during normal business hours at 501 Primrose Road, Burlingame, California. The custodian of these documents is the City of Burlingame's Planning Division.

B. Findings Regarding Preparation and Consideration of the EIR

The City Council finds, with respect to the City's preparation, review and consideration of the EIR, that:

- The City exercised its independent judgment in accordance with Public Resources Code Section 21082.1(c) in retaining the independent consulting firm Environmental Science Associates (ESA) to prepare the EIR, and ESA prepared the EIR under the supervision and at the direction of the City's Community Development Director and the EIR reflects the City's independent judgment and analysis.
- The City circulated the DEIR for review by responsible and trustee agencies and the public and submitted it to the State Clearinghouse for review and comment by state agencies, as required by CEQA and the CEQA Guidelines.
- The EIR and the proposed Project were presented to the City's Planning Commission, which reviewed and considered, and conducted a public hearing thereon. The Planning Commission determined that the EIR was adequate and sufficient, and prepared in compliance with CEQA and the CEQA Guidelines, and recommended to the City Council that the City Council certify the EIR and approve the Project.
- The EIR and the proposed Project were presented to the City Council of the City, with the recommendation of the City's Planning Commission. The City Council reviewed and considered, and conducted a public hearing on, the EIR and proposed Project.
- The EIR has been completed in compliance with CEQA and the CEQA Guidelines and reflects the City's independent judgment and analysis.

By these Findings, the City Council ratifies, adopts and incorporates the analyses, explanations, findings, responses to comments, and conclusions of the EIR, except as otherwise specifically provided and described in these Findings.

IV. Findings Regarding Environmental Impacts

A detailed analysis of the potential environmental impacts of the Project, and proposed mitigation measures to address all of the identified potentially significant impacts, is set forth in Chapter 4 of the DEIR, as incorporated into the FEIR. The City Council concurs with the conclusions in the DEIR, as incorporated into the FEIR, that changes or alterations have been required, or incorporated into, the Project which avoid or lessen all of the Project's potentially significant environmental effects to less-than-significant levels. By these Findings, the City Council ratifies and adopts the EIR's conclusions for all of the following potential environmental impacts, based on the analyses on the referenced pages of the DEIR.

A. Findings Regarding Less than Significant Impacts

The following potential environmental impacts of the Project were determined to be less than significant or have no impact, and thus, not require any mitigation measures, as set forth in Chapter 4 of the DEIR, as incorporated into the FEIR. The City Council concurs with the conclusions in the DEIR, as incorporated into the FEIR, and makes the following findings with respect to such impacts.

4.1 Aesthetics

Pursuant to CEQA Section 21099(d), the EIR did not consider aesthetics in determining the significance of Project impacts under CEQA. As a result, an assessment of the proposed Project's aesthetic effects was presented Section 4.1 in the DEIR for informational purposes.

Criteria I(b): Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

None of the buildings on the Project site qualify as historical resources as defined in CEQA Guidelines Section 15064.5. Consequently, removal of the buildings under the Project would have no significant impact on historical architectural resources. In addition, there are no unique trees, rock outcroppings or other natural features on the Project site that would qualify as scenic resources. Furthermore, as noted above, the closest state scenic highway to the Project site is Interstate 280 (I-280), which is over 2 miles away. No state scenic highways are located in or easily visible from the Project site. Therefore, there would be no Project impact related to substantial damage of scenic resources within a state scenic highway. (Draft EIR, p. 4.1-15.)

Impact AES-1: The Project would not have a substantial adverse effect on a scenic vista.

While the proposed Project would construct taller buildings compared to surrounding uses, the Project would be consistent with the vision of the City for the area east of U.S. 101 as expressed in the General Plan, which includes high-rise development. Moreover, the size and scale of the proposed structures would be consistent with the development envisioned in the General Plan for the Bayfront area. The new height and bulk associated with the proposed Project would not contribute to any significant additional blockage of views to the hillsides. Public views towards the Project site would be altered; however, when considering portions of the existing Project site currently exhibit signs of disrepair, the quality of existing views of the Project site are currently comprised. Furthermore, the height of the proposed structures enables substantial public space on the Project site, with buildings covering less than 50 percent of the site. The Project would extend the Bay Trail along the shoreline through the Project site, which would allow for new opportunities for Bay Trail users to enjoy scenic views towards the Bay and the East Bay Hills from this proposed public access area. Consequently, the proposed Project would not have a substantial adverse effect on a scenic vista, and therefore, the impact would be less than significant. (Draft EIR, pp. 4.1-17 to 4.1-26.)

Impact AES-2: The Project would be located in an urbanized area and would not conflict with applicable zoning and other regulations governing scenic quality.

The Project would conform to the land use regulations and policies of the General Plan and the Zoning Ordinance. This includes General Plan Goals CC-6 and HP-7 and Policies CC-6.1 and HP-7.7, which protect public views of the waterfront by restricting the height of buildings within the associated viewsheds; and Policy CC-6.4, which promotes design standards that facilitate attractive interfaces between use types, enhance the public realm, and activate commercial districts. With City approval of the requested Special Permit for the proposed Project's increased height and floor area ratio (FAR), the proposed Project would be consistent with the City's Bayfront Commercial (BFC) land use designation and zoning. Consistent with General Plan Policy HP-7.3, the proposed Project would improve the streetscape along its property line at Airport Boulevard and frontage on Old Bayshore Highway, and connect the Bay Trail across the Project site. The proposed Project would also be subject to the City's design review process, which would require a finding that the proposed Project is consistent with applicable General Plan policies, design guidelines, and any other applicable City planning-related documents prior to approval of the proposed Project. Consequently, the proposed Project would not conflict with the applicable policies and regulations governing scenic quality included in the City of Burlingame General Plan and Zoning Ordinance.

The proposed Project would also be generally consistent with the BCDC Bay Plan and Public Access Design Guidelines objectives and policies by encouraging recreational facilities along the Bay, including the proposed extension of the Bay Trail through the property; providing greater public access to the Bay and a variety of on-site public amenities; and designing buildings and structures to minimize the visual impact on the Bay and shoreline views. Compliance with the applicable BCDC permit requirements would ensure that the proposed Project would not conflict with applicable BCDC policies and regulations governing scenic quality.

For these reasons, the Project's would not conflict with applicable zoning and other regulations governing scenic quality, and therefore, the impact would be less than significant. (Draft EIR, pp. 4.1-27 to 4.1-28.)

Impact AES-3: The Project would not create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area.

Proposed exterior lighting would be designed to meet the requirements of Municipal Code Section 18.16.030 to prevent light spillage off-site. As demonstrated by the Project's proposed photometric plan, the site lighting would be designed such that there would be greatest lighting on the Project site along Old Bayshore Highway, with the lighting levels decreasing closer to the Bay side of the Project site. The increase in levels of lighting compared to existing conditions would not adversely affect day or nighttime views in the area. The new exterior lighting for the Project would also be designed to reduce existing regulations regarding light and glare. Consequently, the proposed Project would not create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area, and therefore, the impact would be less than significant. (Draft EIR, pp. 4.1-28 to 4.1-29.)

Impact C-AES-1: The Project, when combined with other past, present, or reasonably foreseeable projects, would not have a substantial adverse effect on a scenic vista or conflict with applicable zoning and other regulations governing scenic quality.

The proposed Project would combine with cumulative development to limit some existing views of scenic resources. However, abundant views of the Bay and the East Bay Hills would continue to be available from the higher elevations of Burlingame. In addition, when considering views from the Bay Trail, given the active use of this trail, and the dynamic and temporary nature of the obstruction for pedestrians and bicyclists traveling along trail, the effect on scenic vistas from this vantage point would not be substantial. Consequently, the proposed Project, combined with cumulative development, would not have a substantial adverse effect on scenic vistas.

All development in the City must conform to the land use regulations and policies of the General Plan and the Zoning Ordinance, including applicable development standards and regulations governing scenic quality. In addition, BCDC would determine if the proposed Project and applicable shoreline cumulative development is consistent with the McAteer-Petris Act and the policies and findings of the Bay Plan, including policies governing scenic quality, prior to approving BCDC permits to allow development. Required compliance with these regulations and policies would ensure that the proposed Project, combined with cumulative development, would not conflict with applicable BCDC regulations governing scenic quality.

For these reasons, the Project, when combined with other past, present, or reasonably foreseeable projects, would not conflict with applicable zoning and other regulations governing scenic quality, and therefore, the impact would be less than significant. (Draft EIR, pp. 4.1-30 to 4.1-33.)

Impact C-AES-2: The Project, when combined with other past, present, or reasonably foreseeable projects, would not create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area.

Proposed development at the Project site, combined with cumulative development, would result in increased nighttime lighting and glare. However, lighting for the proposed Project and cumulative projects in the City must meet the requirements of Municipal Code Section 18.16.030 to prevent light spillage off-site. In addition, new exterior lighting for the Project and cumulative development would be designed to reduce light and glare per existing regulations. Consequently, the proposed Project, combined with cumulative development, would not create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area, and therefore, the impact would be less than significant. (Draft EIR, p. 4.1-33.)

4.2 Air Quality

Impact AIR-3: Implementation of the proposed Project would not result in health risk impacts from exposure of sensitive receptors to substantial pollutant concentrations of diesel particulate matter emissions.

The Project would generate short-term emissions from Project construction equipment during site preparation activities, including directly emitted particulate matter (PM), including

PM_{2.5} and PM₁₀, and toxic air contaminants (TACs) such as diesel particulate matter (DPM). Additionally, the long-term operational emissions from the Project's mobile and stationary sources would include particulate matter, TACs, and some compounds or variations of reactive organic gases (ROGs). A Health Risk Assessment (HRA) was conducted for the proposed Project to determine the health risk of Project construction and operations to offsite receptors. The HRA determined that impacts associated with excess cancer risk and PM_{2.5} exposure at this offsite receptor would not exceed BAAQMD significance thresholds and, therefore, the impact associated with the Project's potential to expose sensitive receptors to substantial pollutant concentrations would be less than significant. (Draft EIR, pp. 4.2-22 to 4.2-23.)

Impact AIR-4: Implementation of the proposed Project would not result in emissions (such as those leading to odors) that would affect a substantial number of people.

Construction activities near existing receptors would be temporary and would not result in nuisance odors that would violate BAAQMD Regulation 7. During operation, odors could emanate from vehicle exhaust, intermittent use of the backup generator during emergencies and maintenance testing, and the reapplication of architectural coatings. However, the Project's odor impacts would be limited to circulation routes, on-site parking/staging areas, and areas immediately adjacent to recently painted structures on the Project site. Although such brief exhaust- and paint-related odors may be considered adverse, they would not affect a substantial number of people. For these reasons, the Project is not anticipated to result in substantial or long-term odors, and the impact would be less than significant. (Draft EIR, pp. 4.2-23 to 4.2-24.)

Impact C-AIR-2: The Project, in combination with past, present, and reasonably foreseeable future development in the project area, would not contribute considerably to cumulative health risk impacts to sensitive receptors.

A cumulative health risk impact analysis considered the health risk impact of overlapping Project construction and interim Project operational emissions, along with existing nearby sources of DPM and PM_{2.5} emissions, which include permitted stationary sources, major streets, highways, railroads, and roadways, at Bayside Park. The cumulative health risk assessment determined the cumulative cancer risk, and non-cancer chronic hazard index (HI) were below the respective BAAQMD's thresholds of significance. However, the cumulative annual average PM_{2.5} concentrations at Bayside Park would exceed the cumulative threshold and would be considered a significant cumulative impact. The primary contributor to the cumulative PM_{2.5} concentration at Bayside Park is background PM_{2.5} emitted from vehicles due to the receptor's proximity to the nearest highway (U.S. 101). Since the Project's impacts are all below individual project-level thresholds, the Project's contribution to the cumulative impact would not be cumulatively considerable. Furthermore, recreational users would only be exposed to the mobile-generated PM_{2.5} concentrations for limited hours on any given day and would be less affected by health risk impacts of nearby roadways and highways compared to a residential receptor, for which the BAAQMD's cumulative health risk thresholds were derived. For these reasons, the Project would not result in a cumulatively considerable contribution to the significant health risk impacts at the recreational receptor, and therefore, the impact would be less than significant. (Draft EIR, pp. 4.2-30 to 4.2-32.)

4.3 Biological Resources

Criteria IV(f): Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

There are no adopted or approved local, regional, or state habitat conservation plans applicable to the Project site; therefore, there would be no Project impact related to this significance threshold. (Draft EIR, p. 4.3-15.)

Impact BIO-3: Implementation of the proposed Project would not interfere substantially with the movement of a native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.

The Project site provides minimal opportunity for migratory birds to find resting or foraging habitat during migration. Consequently, Project construction-related impacts to wildlife movement would be less than significant. Operation of the proposed Project would result in a net increase in the amount of building glass exterior surfaces in the built environment. Reflective building façades that are generally located in a clear flight path from water features, such as San Francisco Bay, can create hazards for birds. Other potential feature-related hazards new development can pose to birds include glass courtyards, transparent building corners, or freestanding glass walls on rooftops or balconies.

The Project would include a number of bird safe design features to reduce the potential for bird strikes, including the use of glazing of 15 percent reflectivity or lower; use of opaque materials limiting any non-bird-friendly glazing to no more than 10 percent within the bird collision zone (0 to 60 feet); and use of fritted dots patterns on glazing of a size/design consistent with the American Bird Conservancy (ABC) threat factor rating system. In addition, notable bird safe design criteria related to the landscaping include: use of minimal landscaping inside buildings near glass and in front of heavily glazed facades around the ground level building perimeters; and restricting landscaping on upper level-terraces and roof decks to low-growing or shrub species with minimal visibility through perimeter facades. With respect to night lighting, the Project would be required to comply with Burlingame Municipal Code 18.16.030 to prevent light spillage beyond the Project site. Incorporating these bird-safe design elements into the Project design would reduce the operational impacts to migrating birds, and therefore the impact would be less than significant. (Draft EIR, pp. 4.3-28 to 4.2-30.)

Impact BIO-4: Implementation of the proposed Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

The proposed Project would require removal of 62 existing trees within the Project site to accommodate the proposed redevelopment of the site, and plant 230 new trees in the Project site. Some of the existing trees to be removed may meet the definition of “protected” trees under the City of Burlingame Tree Ordinance. In accordance with the provisions of the City of Burlingame tree protection ordinance, the Project will comply with standard City of Burlingame tree removal

permit conditions and replace trees that are removed in accordance with these tree removal policies. Such compliance would reduce any potential impacts due to conflicts with the City's tree preservation ordinance to a less than significant level. (Draft EIR, p. 4.3-30.)

4.4 Cultural Resources, including Tribal Cultural Resources

Impact CUL-1: The Project would not cause a substantial adverse change in the significance of a historical resource.

There are no eligible historical resources on the Project site. All eight historic-age buildings on the Project site were evaluated as potential historical resources using the National Register of Historic Places, California Register of Historical Resources, and City of Burlingame Historic Architectural Resources Inventory criteria by qualified professionals and found ineligible because they did not meet the eligibility criteria for either the National or California registers. Consequently, the Project would result in no impact on historical resources. (Draft EIR, p. 4.4-14.)

Impact C-CUL-1: The Project, when combined with other past, present, or reasonably foreseeable projects, would not result in a significant cumulative impact to historical resources or tribal cultural resources.

The Project would result in no impact to architectural historical resources. Since no architectural historical resources would be impacted by the proposed Project, there would be no potential for the proposed Project to contribute to cumulative impacts to architectural historical resources within the City of Burlingame in conjunction with other projects. Consequently, the Project would not result in a significant cumulative impact to historical resources or tribal cultural resources. (Draft EIR, p. 4.4-17.)

4.5 Energy

Impact ENE-1: Implementation of the Project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.

Project construction would result in the consumption of energy in the form of transportation fuels (i.e., gasoline and diesel fuel) from a variety of sources, including off-road construction equipment and on-road worker, vendor, and hauling vehicles; and electricity to pump water to the site, and to power tools and smaller construction machinery. Project operations would require long-term consumption of energy in the form of electricity, gasoline, and diesel fuel for mobile vehicle sources, and potable water use.

The Project-related electricity consumption would not cause adverse effects on local and regional energy supplies or require additional generation capacity beyond the state-wide planned increase to accommodate projected energy demand growth. The design of the Project buildings is targeted to meet the LEED™ Gold standard, which would include bicycle facilities, electric vehicle (EV) chargers, heat island reduction, rainwater management, all-electric & energy-efficient heating, ventilation and air conditioning (HVAC) systems, enhanced commissioning, building product disclosures, enhanced indoor air quality, low-emitting materials, and indoor water use reduction,

among others. Use of natural gas for the Project would be limited to operation of the proposed lab use and for the café/restaurant use; otherwise, the proposed buildings would comply with the City of Burlingame 2020 Reach Code, which prohibits natural gas for heating and cooling.

Through use of renewable energy, energy efficiency standards, and electric vehicle charging infrastructure, the Project would minimize impacts on the local and regional energy supply. In addition, the Project peak demand would have only a minor effect on PG&E's system-wide peak demands. The Project's use of energy would also not have a substantial adverse effect on statewide or regional energy resources. Furthermore, the Project would provide efficient transportation alternatives through promotion of public transit linkages and use of alternative modes of transportation, which would result in a mode shift and reduced vehicle miles travelled (VMT). Based on the above, the Project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of fuel or energy, and therefore the impact would be less than significant. (Draft EIR, pp. 4.5-15 to 4.5-21.)

Impact ENE-2: Implementation of the Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

The Project would address recommended measures of the 2030 Climate Action Plan (CAP), which has goals similar to the statewide target of achieving 80 percent below 1990 emission levels by 2050. Measure 12 has voluntary energy efficiency improvements that are above and beyond State requirements, and Measure 10 addresses use of the 2030 CAP's Construction Best Management Practices of BAAQMD's Best Practices for Construction. In addition, the Project would be required to comply with the California Green Building Standards Code (CALGreen) and target LEED™ certification rating of Gold. Based on the above, the proposed Project would not conflict with applicable policies related to renewable energy or energy efficiency, and therefore, the Project's impact would be less than significant. (Draft EIR, p. 4.5-22.)

Impact C-ENE-1: The Project, combined with cumulative development in the Project site vicinity and citywide, would not result in significant cumulative energy impacts.

Cumulative projects could require increased peak and base energy demands and, therefore, could cause or contribute to adverse cumulative conditions. However, the cumulative projects would be subject to the same applicable federal, state, and local energy efficiency requirements (e.g., the State's Title 24 requirements) that would be required of the Project, which would result in efficient energy use during their construction and operation. Adverse Project-related impacts to electricity demand would be negligible and would not significantly impact peak or base power demands during construction, operation, or maintenance. Accordingly, the Project's incremental contribution to cumulative impacts on energy resources would not be cumulatively considerable, and therefore the impact would be less than significant. (Draft EIR, pp. 4.5-22 to 4.5-23.)

4.6 Geology and Soils

Criteria VII(a)(ii): Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault.

There are no Holocene-active faults within the Project site. As such, there would be no risk of surface fault rupture at the Project site. Therefore, there would be no impact related to this issue. (Draft EIR, p. 4.6-12.)

Criteria VII(a)(iv): Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides.

The Project site is in an urbanized and developed area. There would be a very low landslide potential due to the relatively flat topography and lack of slopes and hills. Additionally, the Project site is not within an established earthquake-induced landslide zone. As a result, there would be no impact associated with landslides. (Draft EIR, p. 4.6-12.)

Criteria VII(e): Have soils incapable of supporting the use of septic tanks or alternative wastewater disposal where sewers are not available for the disposal of waste water.

New sanitary sewer infrastructure would be installed at the Project site, with sanitary sewer lines proposed to extend beneath the service roads and connect to existing sanitary sewer collection lines in Old Bayshore Highway. As such, the Project does not propose or require the installation of new septic tanks or other alternative water disposal systems. Therefore, there would be no impact with this issue. (Draft EIR, p. 4.6-12.)

Criteria VII(f): Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

The artificial fill on the Project site has no potential to contain significant paleontological resources, and the underlying Holocene-age deposits are considered to have a low potential to contain significant paleontological resources. Due to the age and nature of the deposits within the Project site, and the proposed excavation depths associated with the Project, there would be no impact to significant paleontological resources. (Draft EIR, p. 4.6-12.)

Impact GEO-1: The Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking.

Due to the proximity to the San Andreas and Hayward fault zones, Project development would be subject to strong seismic ground shaking in the event of an earthquake originating from these fault zones. As required by California law, any new development would be subject to the seismic design criteria of the California Building Code (CBC) and City building codes, which require that all improvements be constructed to withstand anticipated ground shaking from regional

fault sources. The CBC standards and City codes require all new development to be designed consistent with a site-specific, design-level geotechnical report, which would be fully compliant with the seismic recommendations of a California-registered professional geotechnical engineer. Adherence to the applicable CBC requirements and City codes would ensure that the Project would not directly or indirectly cause substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking. Therefore, the impact would be less than significant. (Draft EIR, pp. 4.6-13 to 4.6-14.)

Impact GEO-2: The Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction.

Project components could be subjected to the damaging effects of liquefaction in the event of an earthquake in the region. Additionally, liquefaction within the undocumented fill could contribute to lateral spreading. As required by California law, any new development would be subject to the seismic design criteria of the CBC and City building codes, which require that all improvements be constructed to withstand any anticipated seismic-related ground failures, including liquefaction and lateral spreading, due to ground shaking from an earthquake. Each new development would be required to obtain a site-specific geotechnical report prior to the issuance of individual grading permits; each new development would be required to retain a licensed geotechnical engineer to investigate and evaluate each new development site and design new structures to withstand probable seismic-related ground failures, such as liquefaction and lateral spreading. The CBC standards and City codes require all new development to be designed consistent with a site-specific, design-level geotechnical report, which would be fully compliant with the seismic recommendations of a California-registered professional geotechnical engineer. Compliance with all applicable CBC and City Code requirements would ensure that the Project would not directly or indirectly cause substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction. Therefore, the impacts would be less than significant. (Draft EIR, pp. 4.6-14 to 4.6-15.)

Impact GEO-3: The Project would not result in substantial soil erosion or the loss of topsoil.

Erosion of exposed soils can occur as a result of the forces of wind or water, and could be worsened during the ground disturbance activities. Any new development that would require the disturbance of one or more acres during construction would be subject to the requirements of the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharge Associated with Construction and Land Disturbance Activities (Construction General Permit). The Construction General Permit requires the preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP), which would include Best Management Practices (BMPs) designed to control and reduce soil erosion. Once constructed and as discussed above in Section 4.6.1, *Regulatory Framework*, the Municipal Separate Storm Sewer Systems (MS4) permit and City codes would require that the design of the Project include recommendations for managing runoff from completed projects to reduce the potential for erosion that could result in ground failures. Compliance with the independently enforceable existing requirement to control runoff

would ensure that impacts related to erosion and soil loss would be less than significant. (Draft EIR, p. 4.6-15.)

Impact GEO-4: The Project would not require development that would be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

New development associated with the Project would be susceptible to unstable geologic or soil conditions would be subject to the damaging effects of these hazards. All new development would be subject to the requirements of the CBC and City building codes, which would include conducting geotechnical investigations to analyze potential unstable soil conditions at a site. If unstable soil conditions are determined to be present at a given site, the geotechnical report specific to that site would include site-specific design requirements to implement to reduce or avoid adverse effects associated with unstable soils. Compliance with the CBC and City code requirements, including implementation of recommendations provided in site-specific geotechnical reports would reduce or avoid impacts related to unstable soils to less than significant. (Draft EIR, p. 4.6-16.)

Impact C-GEO-1: The Project, when combined with other past, present, or reasonably foreseeable projects, would not contribute considerably to cumulative impacts on geology, soils, or paleontological resources.

State and local building regulations and standards have been established to address seismic and unstable geologic unit and soils conditions. The Project and cumulative projects would be required to comply with applicable provisions of the CBC and City codes. Through compliance with these requirements, the potential for impacts would be reduced. The purpose of the CBC and City codes is to regulate and control the design, construction, quality of materials, use/occupancy, location, and maintenance of all buildings and structures within its jurisdiction; by design, it is intended to reduce the cumulative risks from buildings and structures. Therefore, based on compliance with these requirements, the incremental impacts of the Project combined with impacts of other projects in the area would not cause a significant cumulative impact related to seismically induced groundshaking, liquefaction and lateral spreading, expansive soils, or erosion, and the Project's contribution to cumulative effects would not be cumulatively considerable. (Draft EIR, pp. 4.6-17 to 4.6-18.)

4.8 Hazards and Hazardous Materials

Criteria IX(c): Emit hazardous or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

There are no schools located within 0.25 mile of the Project site. The nearest school is Peninsula High School located at 860 Hinckley Road, approximately 0.4 miles northwest of the Project site; and other proximate schools (Lincoln Elementary School, McKinley Elementary School, and Burlingame High School) are located 0.8 miles or more from the Project site. Therefore, there would be no impact relative to the proposed Project emitting hazardous emission

handling hazardous or acutely hazardous materials, substances or waste within one-quarter mile of a school (Draft EIR, p. 4.8-17.)

Criteria IX(g): Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fire.

The Project site is in a highly urbanized setting with no nearby wildlands; and not located within or near a very high fire hazard severity zone. Therefore, there would be no impact relative to the proposed Project exposing people or structures to risks involving wildland fires. (Draft EIR, p. 4.8-17.)

Impact HAZ-3: The Project would be located within an airport land use plan but would not result in a safety hazard or excessive noise for people residing or working in the project area or create a hazard to navigable airspace and/or operations at a public airport.

The Project site is located outside all of the *San Mateo County Comprehensive Airport Land Use Plan for the Environs of San Francisco International Airport* (ALUCP) safety compatibility zones and the 65 dBA CNEL contour. In addition, the proposed Project buildings would not represent an obstruction to air navigation under Federal Aviation Regulation (FAR) Part 77, Subpart C. Prior to issuance of any demolition or construction permits, the City would require the Project applicant to provide appropriate notification of proposed construction to the FAA via FAA Form 7460-1 (Notice of Proposed Construction or Alteration). Given these factors, the Project would not result in a safety hazard or excessive noise for people residing or working in the project area or create a hazard to navigable airspace and/or operations at a public airport, and the impact would therefore be less than significant. (Draft EIR, p. 4.8-23.)

Impact HAZ-4: The Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Construction of the proposed Project would be required to acquire an Encroachment Permit for any work within the City right-of-way, public easements, or utility easements. The Encroachment Permit includes the required preparation and implementation of a Traffic Control Plan Implementation of the Traffic Control Plan would ensure that emergency vehicles would be able to pass by the project site during construction activities and render this impact of temporary lane closures during construction to a less than significant. In addition, the project would not involve the permanent closure of roads and would not otherwise interfere with emergency response or evacuation plans including the San Mateo County Multijurisdictional Local Hazards Mitigation Plan or Emergency Operations Plan. All proposed development would be designed in accordance with California Fire Code requirements which include egress and emergency response design measures. Therefore, with adherence to existing building and Fire Code requirements, the potential impact related to evacuation and emergency plans would be less than significant. Therefore, potential impacts related to emergency response or evacuation would be less than significant. (Draft EIR, p. 4.8-24.)

Impact C-HAZ-1: The Project, in combination with past, present, and reasonably foreseeable future development would not result in a cumulatively significant impact related to hazards and hazardous materials.

The construction activities for all cumulative projects would be subject to the same regulatory requirements discussed for the Project for compliance with existing hazardous materials regulations, including spill response during construction and being located on sites with residual contamination from previous land uses. Cumulative projects that have spills of hazardous materials and/or residual contamination from previous land uses would be required to remediate their respective sites to the same established regulatory standards as the Project. The residual less-than-significant effects of the Project that would remain after mitigation would not combine with the potential residual effects of cumulative projects to cause a potential significant cumulative impact because residual impacts would be highly site-specific, would not spatially overlap, and would be below regulatory standards. Accordingly, no significant cumulative impact with respect to the use of hazardous materials would result. For the above reasons, the Project in combination with cumulative projects would not cause or contribute to a cumulatively considerable impact with respect to the use of hazardous materials, and impacts would be less than significant.

All construction sites (i.e., Project site and cumulative project sites) that could cause lane closures would be required to apply for a City Encroachment Permit, which would require the preparation and implementation of a Traffic Control Plan that would manage the movement of vehicles to maintain traffic flow and prevent interference with emergency access. With the implementation of traffic control plans, the Project in combination with cumulative projects would not cause or contribute to a cumulatively significant impact with respect to emergency access, and impacts would be less than significant.

Similar to the proposed Project, other life science-related cumulative projects would also be required to comply with all of the same hazardous materials regulatory requirements as the Project, which includes the storage, use, and disposal of hazardous materials and waste. Life science research facilities would be required to comply with existing federal and State regulations, which would minimize the potential for adverse health effects related to hazardous materials and waste. Therefore, the Project in combination with cumulative projects would not cause or contribute to a cumulatively significant impact with respect to the use of hazardous materials, and impacts would be less than significant.

As with the proposed Project, some of the cumulative projects would be located within the boundary of the SFO ALUCP. Similar to the proposed Project, the cumulative projects would also be required to comply with FAA requirements that require building heights not interfere the navigable airspace of the airport. Therefore, the Project in combination with cumulative projects would not cause or contribute to a cumulatively significant impact with respect to proximity to an airport and impacts would be less than significant. (Draft EIR, pp. 4.8-25 to 4.8-26.)

4.9 Hydrology and Water Quality

Impact HYD-2: Implementation of the Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

Limited and temporary dewatering would be required during construction; in which case, water would be discharged to the City's sewer system, after on-site treatment if necessary. If the dewatering effluent requires on-site treatment, it would be treated to the standards required by applicable state and local regulations, and the acceptance criteria of the City's sewer system. As a result, Project construction would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that it may impede sustainable groundwater management of the basin. As dewatering during construction would be limited and temporary, and would be properly treated as necessary prior discharge, the construction-related impact to groundwater recharge and sustainable management of the Basin would be less than significant.

The Project would increase pervious areas of the Project site, and include areas of landscaped area, open space, creeks and wetlands. Landscaped areas, including stormwater treatment planters that promote infiltration by draining to pervious surfaces, would allow for groundwater recharge. The project would also include measures to prevent groundwater infiltration into the garages, including the installation of a continuous cut-off wall for shoring the garage excavations, and designing the below-grade parking levels for hydrostatic uplift and waterproofing. As a result, the Project is anticipated to result in a net increase in groundwater recharge over existing conditions. Furthermore, the Project demand for potable water demand would be served by the City's water supply, and not groundwater.

Given the above factors, operation of the Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that it may impede sustainable groundwater management of the basin, and therefore, the impact would be less than significant. (Draft EIR, pp. 4.9-15 to 4.9-16.)

Impact HYD-3: Implementation of the Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: i) result in substantial erosion or siltation on- or off-site; ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or iv) impede or redirect flood flows.

During construction, stormwater drainage patterns could be temporarily altered. However, the Project would implement BMPs, as required in the SWPPP, to minimize the potential for erosion or siltation in nearby storm drains as well as temporary changes in drainage patterns during construction. Construction BMPs would capture and infiltrate small amounts of sheet flow into the ground such that offsite runoff from the construction site would not increase, ensuring that drainage patterns would not be significantly altered. Measures required by the NPDES Construction General Permit (CGP) would also limit site runoff during construction and would not alter stormwater

drainage patterns. BMPs would be implemented to control construction site runoff, ensure proper stormwater control and treatment, and reduce the discharge of pollution to the storm drain system. Therefore, construction would not substantially alter the existing drainage pattern of the area in a manner that would result in substantial erosion or siltation or increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite. In addition, the MRP provides practices to prevent polluted runoff during construction activities. Given the above considerations, the Project's potential construction-related changes to drainage patterns or waterways, and resultant effects on increases in erosion/ siltation, and/or stormwater flows and flooding, would be less than significant.

The proposed Project stormwater management plan would reduce runoff and treat stormwater through filtration, in compliance with state and County of San Mateo requirements and Provision C.3 of the Municipal Regional Stormwater (MRP). The Project would not substantially alter the existing drainage pattern at the Project site through the addition of impervious surfaces. As such, the proposed Project would not increase runoff from the site in a manner that would result in flooding or exceed the capacity of the storm drainage system or result in substantial additional sources of polluted runoff. Furthermore, the proposed Project includes a number of shoreline improvements and other features relevant to sea level rise and flooding, including, but not limited to, raised ground (elevated on fill), sea walls, flood walls, riprap slopes, settlement mitigation, and/or geotechnical provisions for seismic stability of the shoreline and along Easton Creek. The Project flood protection measures would prevent Bay water from flooding onto the Project site, would not substantially affect coastal flooding, or result in additional areas becoming inundated. Therefore, the proposed Project would not cause substantial adverse effects due to impeding or redirecting flood flows. Given the above factors, the Project's potential operational changes to drainage patterns or waterways, and resultant increases in erosion/siltation, and/or stormwater flows and flooding would be less than significant. (Draft EIR, pp. 4.9-17 to 4.9-19.)

Impact HYD-4: Implementation of the Project would not result risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones.

The Project is within the 100-year and 500-year floodplain as designated on the FEMA FIRM for the area, within an established Tsunami Hazard Area, and susceptible to the impacts from seiche. The Project would construct all its new buildings with finished floor elevations of about 16 feet North American Vertical Datum of 1988 (NAVD 88), three feet above the minimum required by the City. The finished floor elevations would not be subject to inundation from the 100-year flood event until sea-level rise exceeded six feet. Six feet of sea-level rise is not projected to occur until 2100 under the 1-in-200 chance of exceedance and is likely to be closer to three feet.

In addition, as part of the City and San Mateo County planning to provide regional flood protection infrastructure, the Project would raise the ground surface elevation along the bay shoreline to a contiguous crest elevation of 17 ft NAVD 88, as specified by the City's Map of Future Conditions. This shoreline infrastructure would connect to new flood walls on either side of Easton Creek which have a crest elevation of 16 ft NAVD 88. This shoreline infrastructure, which would consist of a mix of earthen berms and flood walls, would be designed to be consistent with FEMA levee accreditation requirements.

Therefore, given the Project would be designed in compliance with applicable City Municipal Codes regarding sea level rise and flooding, it would therefore also minimize the potential for the release of pollutants due to tsunami or seiche, and the impact would be less than significant. (Draft EIR, p. 4.9-19.)

4.10 Land Use and Planning

Impact LU-1: The Project would not physically divide an established community.

The proposed Project changes would not alter the physical layout such that movement within or across the Project site would be obstructed. The proposed Project also does not propose any roadways, such as freeways, that would divide established communities or isolate individual neighborhoods within the communities. The proposed Project would not create any physical barriers that would physically divide an established community. Rather, the proposed Project would improve vehicle, bicycle, and pedestrian connectivity to and within the Project site. Consequently, implementation of the proposed Project would have no impact related to the division of an established community. (Draft EIR, pp. 4.10-9 to 4.10-10.)

Impact LU-2: The Project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

All development in the City must conform to the land use regulations and policies of the General Plan and the Zoning Ordinance. The BFC General Plan designation and zoning district permits commercial uses, including entertainment establishments, restaurants, hotels and motels, retail, and higher-intensity office uses. Policies in the BFC designation and zoning district prioritize public access to the waterfront; thus, the designation permits public open space that implements local and regional trail plans, recreation, and habitat preservation objectives.

The proposed Project would require a Special Permit for the proposed building heights. The proposed Project's FAR of 2.71 also would require a Special Permit and the provision of sufficient community benefits to qualify for application of Tier 3 development standards in accordance with Section 25.12.040, *Community Benefits for Increased FAR in the BFC and I-I Zoning Districts*, of the Zoning Ordinance. The proposed Project would be consistent with all other applicable City zoning regulations and development standards, including those pertaining to setbacks, parking, view corridors, lot coverage, lot frontage, minimum lot size, landscaping, and trash and loading areas. Therefore, if the City were to approve the requested Special Permit for the proposed Project's increased height and FAR, the proposed Project would be consistent with the BFC land use designation and zoning.

Finally, the proposed Project would be subject to the City's design review process, which would require a finding that the proposed Project is consistent with applicable General Plan policies, design guidelines, and any other applicable City planning-related documents prior to approval of the proposed Project.

The proposed Project would include sea-level-rise, flood-control, utility, recreational, and other improvements that could be subject to BCDC permit approval. BCDC will consider the information and analysis presented in this EIR to determine if the proposed Project is consistent with the McAteer-Petris Act and the policies and findings of the Bay Plan prior to approving BCDC permits to allow the implementation of the proposed Project. Compliance with the applicable permit requirements would ensure that the proposed Project would not conflict with BCDC plans or policies.

The Project site is outside the noise and safety compatibility zones identified in the ALUCP, and therefore the proposed Project would not be inconsistent with the noise and safety compatibility policies adopted in the SFO ALUCP. (Draft EIR, pp. 4.10-10 to 4.10-13.)

Impact C-LU-1: The Project, when combined with other past, present, or reasonably foreseeable projects, would not result in a significant cumulative land use and planning impact.

All development in the City, including the proposed Project, must be reviewed for consistency with applicable land use plans, policies, and regulations prior to approval of entitlements for development. These requirements ensure that cumulative impacts related to division of an established community or conflicts with applicable plans, policies, or regulations would be less than significant. (Draft EIR, p. 4.10-14.)

4.11 Noise and Vibration

Impact NOI-1: Construction activities under the Project would not generate a substantial temporary increase in ambient noise levels in the vicinity of the Project site in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Noise levels generated during Project construction activities at the closest sensitive receptors would be below the FTA daytime criteria of 90 dBA Leq for residential uses. Additionally, construction-related noise would increase noise levels at the nearest noise sensitive land uses by less than 10 dBA. Therefore, the temporary increase in ambient noise levels would cause a less-than-significant impact. In addition, Project construction haul trucks traveling to and from Project site and staging areas would not increase noise levels along local roadways near noise-sensitive receptors. Consequently, the Project construction noise impacts on standards established in the City general plan and noise ordinance, would be less than significant. (Draft EIR, pp. 4.11-14 to 4.11-18.)

Impact NOI-2: Implementation of the Project would not generate substantial permanent increases in ambient noise levels in the vicinity of the Project site in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Operation of the Project would increase ambient noise levels in the immediate Project site vicinity primarily associated with the operation of new building stationary equipment, such as HVAC systems and emergency generators. Given the substantial distance of the nearest residential

receptors from the Project site buildings, the contribution of noise from proposed building HVAC equipment and emergency generators would not meaningfully (less than 0.1 dBA) increase noise levels at the nearest residential uses. Because the increase in noise would be less than 3 dBA, the impact of HVAC and emergency generators operations would be less than significant.

In addition, the increase in peak hour traffic noise in the vicinity of the Project site for the Existing Plus project traffic scenario compared to the Existing traffic scenario would be less than 3 dBA on all roadway segments. Accordingly, the Project impact to increases in operational traffic noise on study area roadways would be less than significant. (Draft EIR, pp. 4.11-18 to 4.11-20.)

Impact NOI-3: Construction activities for the Project and related improvements would not result in generation of excessive groundborne vibration or groundborne noise levels.

The types of construction-related activities associated with propagation of ground-borne vibration would primarily include the use of vibratory rollers for compacting, vibratory hammer for sheet piles, and drilling for pile installation. No impact pile driving or blasting activities are proposed during construction of the Project. However, piles would be installed using a drilled, cast-in-place method, such as auger-cast or torquedown piles, or a vibratory hammer suspended from a crane for sheet piles comprising portions of the proposed sea wall. The Project construction vibration level that would be experienced at any off-site building would be well below the applicable human annoyance (0.04 inch/second PPV) and building damage (0.50 inch/ second PPV) thresholds. Accordingly, Project impacts from Project vibration-generating equipment at nearby buildings during construction would be less than significant. (Draft EIR, pp. 4.11-20 to 4.11-21.)

Impact NOI-4: The Project is located within an airport land use plan but would not expose people residing or working in the Project area to excessive noise levels?

The Project site is approximately 0.3-mile southeast of the SFO property boundary, approximately 1 mile from the nearest SFO runway. The Project site is located outside the 65 dB CNEL noise contour of airport operations. As such, no exceedances of FAA criteria within the Project site would occur, and the impact would be considered less than significant. (Draft EIR, p. 4.11-21.)

Impact C-NOI-1: Implementation of the Project, combined with cumulative construction noise in the Project area, would not generate a substantial temporary increase in ambient noise levels from construction activity in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

There are no reasonably foreseeable cumulative construction projects within the 1,000-foot geographic scope of the cumulative construction analysis. Therefore, cumulative construction noise impacts would be less than significant. (Draft EIR, p. 4.11-22.)

Impact C-NOI-2: Implementation of the Project, combined with cumulative development in the project area, would not generate substantial permanent increases in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

There are no reasonably foreseeable cumulative projects within the geographic scope of the Project that would generate substantial operational noise and, consequently, cumulative operational noise impacts from stationary sources would be less than significant. Implementation of the Project combined with cumulative development in the Project area could contribute to an increase in average daily noise levels of 3 dBA or more at property lines, if ambient noise levels in areas adjacent to proposed development already exceed local noise levels set forth in local general plans or ordinances for such areas based on their use. The increase in peak hour traffic noise in the vicinity of the Project site from the Existing Plus Cumulative traffic scenario compared to the Existing traffic scenario would be less than significant. (Draft EIR, pp. 4.11-22 to 4.11-23.)

Impact C-NOI-3: Implementation of the Project, combined with cumulative construction in the Project area, would not result in generation of excessive groundborne vibration or groundborne noise levels.

There are no reasonably foreseeable cumulative projects within the geographic scope of the Project that would generate substantial construction vibration and, consequently, cumulative construction vibration impacts would be less than significant. (Draft EIR, p. 4.11-23.)

4.12 Population and Housing

Criteria XIV(b): Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

The Project site is currently used for commercial purposes, and has no housing units or residential population. Consequently, implementation of the proposed Project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere, and there would be no impact. (Draft EIR, p. 4.12-6.)

Impact POP-1: Implementation of the proposed Project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).

The Project would not include any residential development, and as a result, it would not result in a direct population impact. However, the Project could induce potential indirect population impacts through the provision of the Project's employment opportunities. It is estimated that 5,163 total new jobs, or a net increase of 5,080 net new jobs over existing conditions would be generated if the Project were to consist of 100 percent office uses. Approximately 558 of the net new projected employees at the Project site would be expected to live in the City of Burlingame, equating to a demand for up to 558 housing units within the City. The Project-induced housing demand would equate to approximately 19 percent of the project housing demand by 2040. In 2020, the City entitled the construction of 818 net new units, along with "in progress" applications for

approximately 180 new units; and in 2021, the City entitled an additional 346 net new units. In addition, based on the regional housing needs assessment (RHNA) allocation, the City plans for an additional 3,257 housing units to be developed for the 2023 to 2031 planning period. New residents induced by the jobs at the Project site that would live in Burlingame could be accommodated within this new housing. Therefore, the Project would not directly result in substantial population growth beyond what is expected for the City.

Other Project employees would create a demand for housing and live in surrounding communities in the County and Bay Area. However, since other cities and counties in the Bay Area are also subject to address future housing needs and accommodate RHNA housing obligations as part of their regular housing element updates, it is expected that these new residents housing needs would similarly be accommodated.

The Project would be an infill development within an already-developed area of Burlingame. The Project site is well-served by urban infrastructure, services, and transit. The Project site is designated under the General Plan as Bayfront Commercial (BFC), which permits uses that would be consistent with the potential office or life science uses planned at the Project site. Therefore, the population growth at the Project site which would occur with Project implementation would be expected and accounted for under this designation.

In addition, on-site utility infrastructure improvements proposed at the Project site as part of the Project, in conjunction with, existing the utilities that currently serve the Project site would be adequate to serve the Project site during operation, and would not serve off-site areas. In addition, proposed new on-site roadways would be intended for internal circulation only, and limited proposed off-site transportation improvements would not increase roadway capacity. Therefore, there would be no new infrastructure that would induce or otherwise result in unplanned population growth, either directly or indirectly.

For these reasons, the impact of the Project related to inducement of unplanned population growth would be less than significant, and no mitigation would be required. (Draft EIR, pp. 4.12-7 to 4.12-10.)

Impact C-POP-1: Implementation of the proposed project, in combination with other development, could induce substantial unplanned population growth in an area, either directly or indirectly.

Future cumulative development in the Bayfront area and elsewhere in the City include several projects to be developed for office (including life science) or commercial use, which would generate employment in the area in addition to the proposed Project. Planned future cumulative office development in the City would further exceed the office development assumed to be developed in the General Plan Final EIR, and in conjunction with the Project and approved office development would increase the total office exceedance. The additional planned cumulative commercial development, by itself and in conjunction with the commercial contribution from the Project and approved commercial development, would continue to be less than the commercial development assumed in the General Plan Final EIR.

As discussed above in Impact POP-1, population growth under the proposed Project would be consistent with adopted regional and local projections and would not induce additional growth outside the Project site. Consequently, implementation of the proposed Project, in combination with other development, would not induce unplanned population growth, and the cumulative impact would be less than significant. (Draft EIR, pp. 4.12-10 to 4.12-12.)

4.13 Public Services and Recreation

Criteria XIV(a): Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for other public facilities:

The Project would create additional demand for the City's public libraries. This limited demand would be anticipated to be met by existing libraries. In addition, the City collects Public Facility Impact Fees committed to public services, including libraries, that are affected by new development; however, as per the Resolution 796-2008, the library fees are not collected for office, commercial or industrial projects because the City Council determined these developments do not have a significant impact on the provision of City library services or facilities. Given these factors, the Project would not result in physical impacts associated with new or physically altered library facilities. (Draft EIR, p. 4.13-10.)

Impact PSR-1: Implementation of the Project would not result in substantial adverse physical impacts associated with the provision of or need for new or physically altered fire protection and emergency medical response services facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection.

The Project would increase the demand for fire protection and emergency medical response services over existing conditions due to the overall increase in site operations and an estimated 5,080 net new employment-related daytime population on the Project site, 558 of which would be expected to live in the city of Burlingame; and associated increases in off-site vehicular traffic. The increase in calls for fire protection and medical response associated with the Project would not be substantial in light of the existing demand and capacity for fire protection and emergency medical services in the City. The proposed development would neither adversely affect Central Costa Fire Department (CCFD) service standards nor require an increase in CCFD staff that would require the construction of new fire protection facilities.

In accordance with standard City practices, and consistent with General Plan Policy CS-2.3 the CCFD would review Project plans before building permits are issued to ensure compliance with all applicable fire and building code standards and to ensure that adequate fire and life safety measures are incorporated into the Project. The Project would be subject to fees that would provide additional funds to the City's General Fund which the City allocates in part to cover increased operational costs, such as additional fire personnel to meet increased needs from new development. The Project would also comply with the Public Facilities Impact Fee, which would assist in funding

public improvements and public services, including for fire protection, affected by new development (Burlingame Municipal Code Chapter 25.46).

Given the factors discussed above, the Project impact on fire protection and emergency medical response services would be less than significant. (Draft EIR, pp. 4.13-11 to 4.13-12.)

Impact PSR-2: Implementation of the Project would not result in substantial adverse physical impacts associated with the provision of or need for new or physically altered police facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police protection.

The increase in on-site daytime employment-population, and associated increases in off-site vehicular traffic, could lead to an incremental increase in the demand for police response to the Project site and vicinity over existing conditions. The Project would be within the projected job growth in the City for its planning period. Police protection impacts would be less than significant with implementation of General Plan policies and environmental review standards. Police staffing that may be needed to provide adequate levels of service to the Project site and vicinity would be addressed in the Burlingame Police Department (BPD)'s annual budgeting process. As such, it is not expected that the Project would adversely affect service ratios or response times or increase the use of existing police protection facilities such that substantial physical deterioration, alteration, or expansion of these facilities would be required, thereby triggering environmental impacts.

In accordance with standard City practices, the BPD would review project plans before building permits are issued to ensure compliance with all applicable access and security measures are incorporated into the Project in compliance with all applicable state and City regulations. This would serve to minimize the need for BPD response to the Project site. The Project would be subject to fees that would provide additional funds to the City's General Fund. The Project would also comply with the Public Facilities Impact Fee, which would assist in funding public improvements and public services, including for police protection, affected by new development (Burlingame Municipal Code Chapter 25.46).

Given the factors discussed above, the Project impact on police protection services would be less than significant. (Draft EIR, pp. 4.13-12 to 4.13-13.)

Impact PSR-3: Implementation of the Project would not result in substantial adverse physical impacts associated with the provision of or need for new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for schools.

No residential development is proposed as part of the Project. However, the Project would generate new employment on the Project site, 558 of which some would be expected to live in the city of Burlingame and generate a demand for enrollment in the Burlingame School District (BSD) and San Mateo Union High School District (SMUHSD). The additional households in the City could result in up to 120 net new elementary school students, 31 net new middle school students, and 112 net new high school students in Burlingame.

The proposed Project would be required to pay school impact fees in compliance with SB 50. According to California Government Code Section 65996, payment of school impact fees that may be required by a state or local agency constitutes full and complete mitigation of school impacts from development. Therefore, physical impacts associated with the provision of or need for new or physically altered school facilities as a result of the proposed Project would be less than significant. (Draft EIR, pp. 4.13-13 to 4.13-14.)

Impact PSR-4: Implementation of the Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

The Project would not include residential uses. However, the Project would generate new employment on the Project site, 558 of which would be expected to live in the City of Burlingame, which would increase demand for use of local and/or regional park and recreation facilities. Any use of existing public park and recreational facilities by this population in the Project site vicinity is expected to be passive and result in minimal increases in demand for these facilities, such that substantial physical deterioration of these facilities would not occur. Otherwise, the Project population is expected to primarily use park and recreation facilities near their homes, and as such, the use would be dispersed, and similarly, not anticipated to result in substantial physical deterioration.

Additionally, the Project would be subject to General Plan Policy HP-4.18 which seeks to pursue funding for parks, recreation, and trail enhancement, development, and maintenance through a variety of mechanisms, such as developmental impact fees like the Public Facilities Impact Fee. Compliance with the Public Facilities Impact Fee would assist in funding public improvements and community amenities, including for parks and recreation facilities affected by new development (Burlingame Municipal Code Chapter 25.46). Additionally, the City collects a parkland dedication fee as authorized under the Quimby Act which allows cities to require that developers set aside land, donate conservation easements, or pay fees in lieu of providing land as part of the land subdivision process.

For the reasons discussed above, potential impacts associated with physical deterioration of parks and recreation resources would be less than significant. (Draft EIR, pp. 4.13-14 to 4.13-15.)

Impact C-PSR-1: Implementation of the Project, when combined with other past, present, or reasonably foreseeable projects, would not contribute considerably to cumulative impacts on public services that would require new or physically altered governmental facilities, construction of which could have significant physical environmental impacts.

Cumulative growth in the City would contribute to additional demand for police and fire protection services. The Burlingame General Plan includes a number of goals and policies to address long-term needs for police and fire protection for growth anticipated under the General Plan. This includes Goal CS-2.1 which is to ensure coordinated and effective fire and emergency medical services; Policy CS-2.3 which requires that the CCFD review development proposals to ensure project adequately address fire access and building standards; Policy CS-1.1 requires

continued maintenance of optimal police staffing levels necessary to meet current and project community needs; and General Plan Policy CS-1.3 requires appropriate minimum police response times for all call priority levels. The Burlingame *2040 General Plan Final EIR* determined that if cumulative development in the City were to necessitate construction of new or expanded fire or police protection facilities to meet demand over the long term, such facilities would undergo a development review process and be subject to environmental review pursuant to CEQA, and mitigation would be identified, as necessary, to reduce potential impacts related to new or expanded facilities, and implemented by the City through its review procedures. As with the proposed Project, cumulative development projects in the city would also be subject to the Public Facilities Impact Fee. Compliance with these development impact fees would assist in funding new, expanded, or improved public facilities needed to provide expanded services in the City, therefore ensuring fire and police protection services in the City are maintained.

Cumulative growth in the City, particularly that related to new residential development, would include school age children that would contribute to additional demand for public schools serving the City. Both the BSD and SMUHSD monitor growth in Burlingame and updates its facilities plans as needed to identify new facility needs, including locations, timing, and funding for expanded or new classrooms and related facilities. Similar to the Project, cumulative projects would also be subject to pay school impact fees in compliance with SB 50, which would be sufficient to mitigate any potential impacts to school facilities resulting from long-term growth in the City. The General Plan Final EIR determined that if cumulative development in the City were to necessitate construction of new school facilities to meet demand over the long term, such facilities would be subject to environmental review under CEQA, and mitigation would be identified, as necessary, to reduce potential impacts.

For these reasons, the contribution of the Project to the increase in demand for public services would not be cumulatively considerable, and the impact would be less than significant. (Draft EIR, pp. 4.13-16 to 4.13-17.)

Impact C-PSR-2: Implementation of the Project, when combined with other past, present, or reasonably foreseeable projects, would not contribute considerably to cumulative impacts on parks and recreation. (*Less than Significant*)

Cumulative growth in the City would contribute to additional demand for parks and recreation facilities. The Burlingame *2040 General Plan Final EIR* found that due to lack of vacant land in the City, creating new public park and recreation facilities would be a challenge, and that in the absence of provision of new park and open space, demands on existing facilities could increase. The Final EIR recognized Burlingame General Plan Goal HP-4, which expresses the City's commitment to provide public recreation to meet the needs of its residents, and Policies HP-4.1, HP-4.4 and HP-4.8, which promote publicly accessible green space and gathering spots, and ensure that Burlingame residents can walk or bike to a public open space. The Project-proposed Bay Trail extension through the Project site and publicly accessible open space improvement would serve to further General Plan Policy HP-4.8 to provide quality recreational and multi-purpose facilities in the City. The General Plan Final EIR found that with the City's commitment to provide new and/or improved open spaces for new residents and requiring that these requirements be

imposed on private development projects, increased demand on existing facilities would be reduced. The General Plan Final EIR also determined that if cumulative development in the City were to necessitate construction of new park and recreation facilities to meet demand over the long term, such facilities would be subject to environmental review under CEQA, and mitigation would be identified, as necessary, to reduce potential impacts. As with the Project, cumulative development projects in the City would be subject to applicable development and facility impact fees as described above that would assist in funding of new parks and recreational facilities in the City.

For these reasons, the contribution of the Project to parks and recreation-related impacts would not be cumulatively considerable, and the impact would be less than significant. (Draft EIR, pp. 4.13-17 to 4.13-18.)

4.14 Transportation

Impact TR-1: Implementation of the Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

During construction, intermittent and temporary closures of adjacent sidewalks, and roadway travel lane(s), including bike lanes, would occur. The construction contractor would be required to prepare traffic control plans addressing each phase of construction as part of the City's encroachment permit process. The traffic control plans would provide for rerouting for pedestrians, bicyclists and motorists during construction, as needed. The traffic control plan would also address construction access, staging and hours of delivery; identify routes for construction haul trucks to utilize; and provide for active management of construction truck traffic, as needed. Any detours during construction, and increases in construction traffic, would be temporary and would not fully impede movement or have a sustained detrimental impact on existing roadway, bicycle and/or pedestrian facilities. Therefore, construction of the proposed Project would not result in conflicts with programs, plans, ordinances, or policies addressing the circulation system.

Operation of the proposed Project would generate new pedestrian and bicycle trips, particularly employees traveling to and from shuttle stops and bicyclists traveling to Burlingame and destinations west of the U.S. 101 freeway, including the Caltrain/BART Millbrae Intermodal Station, and the Caltrain Burlingame and Broadway Stations. The Project proposes to participate in funding a Commute.org shuttle service, with a stop adjacent to the Project site along Old Bayshore Highway, that would connect to the Millbrae station. Consequently, most new pedestrian trips generated by the Project are expected to be the Commute.org shuttle riders accessing the Project site.

There are a number of proposed modifications to the existing pedestrian facilities in the Project vicinity, including new sidewalks on the Project site frontage, and new signalized crosswalks are proposed across the Project's northern most driveway and main driveway. The Bay Trail extension would close the existing gap in the Bay Trail at this location. The proposed Project would also extend the striped bike lane across the full length of the Project site along Old Bayshore Highway, and provide a Class II buffered bike lane, and Project-proposed bicycle-specific treatments at the

Broadway/ Old Bayshore Highway Boulevard intersection, to ensure connection to the Bayside Crossing bicycle/ pedestrian bridge that crosses the U.S. 101 freeway. In addition, the proposed Project would include 509 long-term Class I bike parking which would be located in “cycle centers” in each proposed building, and 120 short-term publicly accessible outdoor Class II bicycle parking spaces. The Project would not create inconsistencies with adopted bicycle or pedestrian system plans, guidelines, or policies.

The proposed Project would generate new transit and vehicle trips, both of which have the potential to interfere with or delay transit operations. Shuttle riders accessing the Project site would likely use Commute.org’s Burlingame Bayside shuttle, with shuttle access to be provided by a new shuttle stop along the Project site frontage. It is expected that the Project could generate a maximum of 24 pedestrian trips every 15 minutes between the shuttle stop and the Project site. Pedestrian traffic generated by the shuttle would be accommodated by proposed new sidewalks along the Project frontage on Old Bayshore Highway.

Project traffic volumes could add up to 1 second of delay to shuttle travel times during a.m. peak hours and up to 84 seconds of delay to shuttle travel times during a.m. peak hours. Although Project traffic volumes would add delay to shuttle travel times, it is not anticipated that the disruption to the Commute.org shuttle service surrounding the Project site would be substantial. As planned, the proposed Project would not include features that would disrupt existing or planned transit routes or facilities. The proposed Project’s driveways would not cause disruptions to existing or planned transit service or transit stops. The proposed Project would not conflict with any adopted transit system plans, guidelines, policies, or standards, and the impact would be less than significant. (Draft EIR, pp. 4.14-16 to 4.14-19.)

Impact TR-2: Implementation of the Project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). (*Less than Significant*)

A Project-specific VMT significance threshold of 15 percent below existing VMT per employee for San Mateo County was developed based on the OPR *Technical Advisory on Evaluating Transportation Impacts in CEQA*. By complying with the City’s Transportation Demand Management (TDM) ordinance, the Project would be expected to achieve a home-based work VMT of 13.8, which is below the threshold of significance for a VMT impact of 14.3 VMT per employee. In addition, the proposed Project’s TDM Plan is expected to exceed the City’s requirement of a 20 percent reduction in VMT, resulting in a 25 percent reduction in VMT, further reducing VMT below the City’s VMT threshold. The proposed Project is subject to annual monitoring and reporting which will ensure that the TDM Plan is effective, and results in a substantial decrease in Project-generated VMT. Based on the 25 percent reduction in VMT per employee that can be expected due to implementation of the TDM Plan, the proposed Project would both comply with the City’s TDM ordinance and be expected to achieve a VMT per employee of 12.9. This is below the threshold of significance for a VMT impact of 14.3 VMT per employee. Therefore, the proposed Project would result in a less-than-significant impact with respect to CEQA Guidelines Section 15064.3, subdivision (b). (Draft EIR, pp. 4.14-19 to 4.14-20.)

Impact TR-3: Implementation of the Project would not substantially increase hazards because of a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

The proposed Project would not worsen any existing geometric design features or cause new design hazards. The proposed driveways would provide for adequate fire access and is sized and tested with turning analysis software consistent with this function. The proposed driveways would be appropriate to handle the estimated vehicle traffic in and out of the Project site, which would reduce the potential for vehicle queues that could disrupt other travel modes to form. The Project proposes a new signalized intersection of Old Bayshore Highway and the Project's northern driveway and various changes at the signalized intersection of the South Project Driveways/Old Bayshore Highway/U.S. 101 northbound ramps, and U.S. 101 ramps at Broadway. Proposed intersection geometry changes would be developed in coordination with Caltrans. None of the proposed roadway geometry changes would affect the number of travel lanes or reduce the vehicle capacity of Old Bayshore Highway.

Sight distance at the proposed driveway locations is expected to be adequate for drivers exiting the Project site and for pedestrians crossing the driveways. Lastly, the Project would not include any uses that are incompatible with the surrounding land use or the existing roadway system. Therefore, the Project is not expected to result in a substantial increase to hazards, and the Project's impacts to hazards would be less than significant. (Draft EIR, pp. 4.14-20 to 4.14-21.)

Impact TR-4: Implementation of the Project would not result in inadequate emergency access.

Project vehicle volumes are not expected to introduce or exacerbate conflicts for emergency vehicles traveling near the Project site. The proposed Project would construct two new medians at the intersection of Old Bayshore Highway and the U.S. 101 northbound ramps; however, these medians were tested for emergency vehicle turning movements and would not impact emergency vehicle access. During Project construction, emergency vehicles would have full access to the Project site via three driveways on Old Bayshore Highway, and each driveway would be capable of accommodating all types of emergency vehicles. The proposed Project is not expected to impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Therefore, the Project would result in adequate emergency access, and the Project's impacts to emergency access would be less than significant. (Draft EIR, p. 4.14-21.)

Impact C-TR-1: Implementation of the Project, in combination with past, present, existing, approved, pending, and reasonably foreseeable future projects in the vicinity, would not result in a cumulatively considerable contribution to a cumulative transportation impact.

The proposed Project would not result in a cumulatively considerable contribution to a transportation impact with respect to conflicts with plans, ordinances, or policies; increases in VMT; increased hazards; or emergency access. With respect to VMT, since the same VMT threshold of significance applied to the Project analysis would also apply to the future, cumulative projects, and the proposed Project would be responsible for implementing its TDM Plan throughout the life of the Project, the proposed Project would similarly result in a less-than-significant impact

to cumulative VMT. With respect to conflict with a program, plan, ordinance, or policy related to transportation facilities, approval of cumulative projects would also be dependent on consistency checks with the General Plan and other relevant plans, policies, and ordinances, and consequently cumulative impacts on consistency would be less than significant. Lastly, the same City design standards and requirements that must be met for the Project for increased hazards and emergency access would also apply to all other cumulative projects, and consequently cumulative impacts to these topics would be less than significant. (Draft EIR, p. 4.14-22.)

4.15 Utilities and Service Systems

Impact UTIL-1: Implementation of the proposed Project would require or result in the construction of new or expanded water, wastewater treatment or storm water drainage, electric power, or telecommunications facilities, the construction or relocation of which would not cause significant environmental effects.

Construction activities associated with the utility improvements described above would have the potential to result in significant or potentially significant impacts. However, implementation of mitigation measures and compliance with other construction-related regulatory requirements discussed in other sections of the EIR, including Section 4.2, *Air Quality*; Section 4.3, *Biological Resources*; Section 4.4, *Cultural Resources, including Tribal Cultural Resources*; Section 4.6, *Geology and Soils*; Section 4.8, *Hazards and Hazardous Materials*; Section 4.9, *Hydrology and Water Quality*; Section 4.11, *Noise and Vibration*; and Section 4.14, *Transportation*, would reduce construction-related effects associated with the utility improvements to a less-than-significant level. As a result, the impacts associated with the construction of new utilities to serve the proposed Project would be less than significant. (Draft EIR, p. 4.15-14.)

Impact UTIL-3: The wastewater treatment provider would have adequate wastewater treatment capacity to serve the Project.

The Project would generate an operational increase in wastewater over existing conditions and therefore increase the need for wastewater treatment at the Burlingame Wastewater Treatment Plant (WWTP). The net new increase in wastewater generation resulting from the Project would be approximately 0.24 million gallons per day (mgd). The WWTP has a designed capacity to treat up to 5.5 mgd average dry weather flow, and is currently treating approximately 3.0 to 3.5 mgd of dry weather flows. As a result, the City's treatment plant has excess dry weather treatment capacity, which is adequate to accommodate the increase in wastewater flow generated by the proposed Project, and the impact would be less than significant. (Draft EIR, pp. 4.15-22 to 4.15-23.)

Impact UTIL-4: Construction and operation of the Project would not generate solid waste in excess of State or local standards or the capacity of local infrastructure and would comply with federal, state and local statutes and regulations related to solid waste.

The Project would generate solid waste during demolition that would be recycled, composted on-site, or disposed of in area landfills. An estimated 14,000 tons of construction debris would be recycled off-site. Any hazardous materials would be transported and disposed of in accordance with applicable local, State, and federal regulations. All other construction debris would be disposed of at a permitted landfill. All soil and debris, including contaminated soil, would be hauled to the

Dumbarton or Newby Landfill or a similar facility, which have sufficient capacity to accommodate the solid waste generated during the construction of development.

Operation of the Project would generate approximately 2,970 tons per year solid waste annually that would be diverted to landfills. The Ox Mountain Sanitary Landfill has a maximum permitted capacity of 60.5 million cubic yards. As of December 2015, its remaining capacity was 25.507 million tons (22.18 million cubic yards) and has an estimated closure date for 2034 and a permitted capacity of 3,598 tons per day. The amount generated by the Project would represent 0.2 percent of the total remaining capacity.

Therefore, construction and operation of the Project would not result in solid waste generation would exceed the permitted capacity of the landfill that would serve the Project, or be in non-compliance with federal, state, and local statutes and regulations related to solid waste. Therefore, this impact would be less than significant. (Draft EIR, pp. 4.15-23 to 4.15-24.)

Impact C-UTIL-1: Development under the proposed Project, in combination with past, present, and reasonably foreseeable future projects in the vicinity of the Project site, would not substantially contribute to cumulative impacts related to utilities and services systems.

The Project, when combined with foreseeable growth in the vicinity of the Project site, could increase the demand for utilities and service systems. As the vicinity of the Project site is a developed urban area, development in the vicinity of the Project site would occur as replacement or in-fill on otherwise built-out sites. City utility systems that serve the area have sufficient capacities to serve those sites and the proposed Project. In general, impacts would be limited to temporary construction effects and would be minimized by best practices that are routinely imposed by the City on infrastructure projects. Mitigation and compliance with construction-related regulatory requirements, construction-related effects associated with utility improvements needed to serve the proposed Project would be reduced to less than significant. As a result, the cumulative impact with regard to utility infrastructure would be less than significant.

The analysis conducted in Impact UTIL-2, and the Water Supply Assessment (WSA) it is based on, is a cumulative analysis of the Project's water demand within the context of the overall cumulative water demand in the City through 2045 based on current water supply planning. As noted in Impact UTIL-2, as mitigated, the Project would not make a considerable contribution to cumulative impacts on the City's water supply, and the impact would be less than significant.

The proposed Project, when combined with foreseeable growth in the City, would increase the cumulative demand for wastewater treatment. Even with the additive wastewater treatment demand from the Project, there is considerable remaining surplus dry weather capacity to accommodate future cumulative development (approximately 2.74 to 3.24 mgd). In addition, the City of Burlingame General Plan includes policies to provide sufficient wastewater treatment capacity. Given these factors, cumulative impacts with regard to wastewater treatment capacity would be less than significant. (Draft EIR, pp. 4.15-24 to 4.15-25.)

4.16 Effects Found Not to Be Significant

4.16.1 Agriculture and Forestry Resources

Criteria II: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.

According to the FMMP map for San Mateo County, there is no Prime Farmland, Unique Farmland, Grazing Land, or Farmland of Statewide or Local Importance designated on any portion of the city." Thus, the Project would have no impact related to conversion of important farmland to a nonagricultural use. (Draft EIR, p. 4.16-1.)

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract.

The Project site is zoned BFC, for which the proposed development would be an allowed use. As a result, the Project would not conflict with any zoning for agricultural use, and there would be no impact. In addition, the City of Burlingame does not contain an area subject to an agricultural preserve or a Williamson Act Contract. Thus, the Project would not conflict with a Williamson Act contract, and there would be no impact. (Draft EIR, p. 4.16-1.)

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)).

No areas of the Project site or vicinity are zoned for timberland. As such, the Project would not conflict with existing zoning or cause rezoning of forest land or timberland, and therefore, there would be no impact. (Draft EIR, p. 4.16-1.)

d) Result in the loss of forest land or conversion of forest land to non-forest use, or conversion of forest land to non-forest use

With respect to forestry resources, no forest land or existing timber harvest uses are located on or in the vicinity of the Project site. Consequently, the Project would not result in the loss or conversion of forest land, and therefore, there would be no impact (Draft EIR, p. 4.16-1.)

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.

There is no Farmland on the Project site or vicinity. Consequently, the Project would not involve changes that could result in the conversion of farmland, and therefore, there would be no impact (Draft EIR, p. 4.16-1.)

4.16.2 Mineral Resources

Criteria XII: Would the project:

a, b) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state; or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

There are no known significant mineral resources in the Project site or in the vicinity of the Project site. Additionally, there are no areas designated or zoned as mineral resource zones by the City's General Plan. No mineral extraction activities currently occur or have historically occurred on the Project site, and mineral extraction is not included within the Project's design. The Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; and would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. As a result, adoption of the Project would not interfere with any mineral extraction operations and would not result in the loss of land designated for mineral resources. Therefore, no impact to mineral resources would occur. (Draft EIR, p. 4.16-2.)

4.16.3 Wildfire

Criteria XX: If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan; due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

The Project is not located in or near a state responsibility area (SRA) or lands classified as very high fire severity zones and is not susceptible to wildfires. Additionally, the Project site is in an area that is highly developed and lacking features that normally elevate wildland fire risks (e.g., dry vegetation, steeply sloped hillsides). Therefore, no impact would occur with regard to wildfire. (Draft EIR, p. 4.16-2.)

B. Findings Regarding Potentially Significant Impacts

The following potential environmental impacts of the Project were determined to be potentially significant and to require mitigation measures to avoid their effects or to reduce their severity, as set forth in Chapter 4 of the DEIR, as incorporated into the FEIR. The City Council concurs with the conclusions in the DEIR, as incorporated into the FEIR, and makes the following findings with respect to such potentially significant impacts.

4.2. Air Quality

Impact AIR-1: During Project construction, the proposed Project would result in a cumulatively considerable net increase of criteria pollutants or their precursors for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

Mitigation Measures. EIR Mitigation Measures AIR-1a, AIR-1b, AIR-1c, AIR-1d and AIR-1e (DEIR, pp. 4.2-18 to 4.2-19) will be implemented for the Project as provided in the MMRP.

Findings Regarding Impact AIR-1: Based on the FEIR and the entire record before the City, the Council finds that Mitigation Measures AIR-1a, AIR-1b, AIR-1c, AIR-1d and AIR-1e would substantially lessen the severity of Impact AIR-1, such that this impact would be less than significant. Mitigation Measure AIR-1a would comply with the BAAQMD's current basic control measures for reducing construction emissions of fugitive PM₁₀ and PM_{2.5}. Mitigation Measure AIR-1b requires that all construction equipment above 50 horsepower shall either be powered by electricity, or meet or exceed either Environmental Protection Agency (EPA) or California Air Resources Board (CARB) Tier 4 Final off-road emission standards if they are powered by diesel. Mitigation Measure AIR-1c requires that during Project construction, on-road haul trucks shall be equipped with 2010 or newer model year engines. Mitigation Measure AIR-1d requires that the exteriors of the life science/office buildings shall entirely consist of glass, concrete or coated materials painted at the time of fabrication at an offsite facility. Mitigation Measure AIR-1e requires during Project construction and operation, the Project applicant shall use super-compliant architectural coatings during construction, and during operations that occur concurrent with construction for all buildings, which shall have volatile organic compound (VOC) content that meet South Coast Air Quality Management District (SCAQMD) Rule 1113 Architectural Coatings as revised on February 5, 2016. With the applied mitigation measures above during construction, emissions of ROG and NO_x would be reduced to below BAAQMD thresholds. Therefore, this impact would be less than significant with mitigation.

Impact AIR-2: During Project operations (including Project construction phases that would overlap with Project operations), the proposed Project would result in a cumulatively considerable net increase of criteria pollutants or their precursors for which the project region is non-attainment under an applicable federal or state ambient air quality standard (NO_x, ROG, PM₁₀, and PM_{2.5}).

Mitigation Measures. EIR Mitigation Measures AIR-1a, AIR-1b, AIR-1c, AIR-1d and AIR-1e (DEIR, pp. 4.2-18 to 4.2-19) will be implemented for the Project as provided in the MMRP.

Findings Regarding Impact AIR-2: Based on the FEIR and the entire record before the City, the Council finds that Mitigation Measures AIR-1a, AIR-1b, AIR-1c, AIR-1d and AIR-1e (as summarized above) would substantially lessen the severity of Impact AIR-2, such that this impact would be less than significant. With incorporation of identified mitigation measures, Project operational ROG emissions would reduce to levels below the significance thresholds in both average daily and maximum annual emissions. Therefore, the residual impact of Project emissions during operation at buildout would be less than significant with mitigation.

Impact AIR-5: Implementation of the Project could conflict with or obstruct implementation of the applicable air quality plan.

Mitigation Measures. EIR Mitigation Measure AIR-1b (DEIR, pp. 4.2-18) will be implemented for the Project as provided in the MMRP.

Findings Regarding Impact AIR-5: Based on the FEIR and the entire record before the City, the Council finds that Mitigation Measures AIR-1b (as summarized above) would substantially lessen the severity of Impact AIR-5, such that this impact would be less than significant. With the implementation of the Mitigation Measure AIR-1b, in conjunction with proposed Project design features and TDM plan, and compliance with existing regulations, the proposed Project would include applicable control strategies contained in the 2017 Clean Air Plan for the basin, and the impact would be less than significant.

Impact C-AIR-1: The Project in combination with past, present, and reasonably foreseeable future development in the project area could result in a cumulatively considerable net increase of criteria pollutants or their precursors for which the project region is non-attainment under an applicable federal or state ambient air quality standard (NO_x, ROG, PM₁₀, and PM_{2.5}).

Mitigation Measures. EIR Mitigation Measure AIR-1a, AIR-1b, AIR-1c, AIR-1d and AIR-1e (DEIR, pp. 4.2-18 to 4.2-19), and Mitigation Measure AIR-2 (DEIR, pp. 4.2-20) will be implemented for the Project as provided in the MMRP.

Findings Regarding Impact C-AIR-1: Based on the FEIR and the entire record before the City, the Council finds that Mitigation Measures AIR-1a, AIR-1b, AIR-1c, AIR-1d, AIR-1e and AIR-2 (as summarized above), and as a result, would substantially lessen the severity of Impact C-AIR-1, as a result, these measures would reduce the Project's

contribution to the cumulative impact to a less-than-significant level. Therefore, the Project's emissions of criteria air pollutants would not be cumulatively considerable, and this cumulative impact would be less than significant.

4.3. Biological Resources

Impact BIO-1: Implementation of the proposed Project would not have a substantial adverse effect, either directly, indirectly, or through habitat modifications, on a species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS (special-status fish, nesting birds, special-status roosting bats).

Mitigation Measures. EIR Mitigation Measure BIO-1a, BIO-1b, BIO-1c, BIO-1d and BIO-1e (DEIR, pp. 4.3-17 to 4.3-22) will be implemented for the Project as provided in the MMRP.

Findings Regarding Impact BIO-1: Based on the FEIR and the entire record before the City, the Council finds that Mitigation Measure BIO-1a, BIO-1b, BIO-1c, BIO-1d and BIO-1e would substantially lessen the severity of Impact BIO-1, such that this potential impact would be less than significant.

Mitigation Measure BIO-1a through BIO-1c would reduce impacts to special-status fish and their habitats. Mitigation BIO-1a requires that construction personnel involved in outfall replacement and bridge construction over Easton Creek shall be trained by a qualified biologist (experienced in construction monitoring, as approved by the City/Agency) in the importance of the marine environment to special-status fish and other aquatic animals, and the environmental protection measures put in place to prevent impacts to these species, their habitats, and essential fish habitat (EFH). Mitigation Measure BIO-1b requires that in-water work for outfall replacement shall be conducted between June 1 through November 30, based on the standard work windows for steelhead and Pacific herring; and if completion of in-water work within this period is not feasible due to scheduling issues, new timing guidelines shall be established and approved by NMFS and CDFW prior to initiation of in-water work. Mitigation Measure BIO-1c requires that the construction contractor shall install cofferdams to dewater the work areas. Implementation of Mitigation Measures BIO-1a, BIO-1b, and BIO-1c would reduce potential for impacts to special-status fish to a less than significant level.

Mitigation Measure BIO-1d would reduce impacts to nesting birds because it would require all tree removal or trimming and ground disturbing activities to be scheduled outside of the breeding season, or if that is not feasible, then the measure requires steps to be taken to avoid any significant impacts to nests based on consultation with the CDFW. Implementation of Mitigation Measure BIO-1d would reduce potential for impacts to nesting birds to a less than significant level.

Mitigation Measure BIO-1e would reduce impacts to special status and otherwise protected bats because it would require a qualified biologist shall be consulted prior to initiation of construction activities to conduct a pre-construction habitat assessment of the Project site

to characterize potential bat habitat and identify potentially active roost sites, establish protective buffers until roosts are no longer in use, and limit the removal of trees or structures with potential bat roosting habitat to the time of year when bats are active to avoid disturbing bats during the maternity roosting season or months of winter torpor. Therefore, implementation of this Mitigation Measure BIO-1e would reduce potential impacts to roosting bats to less than significant.

Impact BIO-2: Implementation of the proposed Project would not have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means; or have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS.

Mitigation Measures. EIR Mitigation Measure BIO-2a and BIO-2b (DEIR, pp. 4.3-26 to 4.3-27) will be implemented for the Project as provided in the MMRP.

Findings Regarding Impact BIO-2: Based on the FEIR and the entire record before the City, the Council finds that Mitigation Measure BIO-2a and BIO-2b would substantially lessen the severity of Impact BIO-2. Mitigation Measure BIO-2a requires in-situ restoration of topography and soils to pre-project conditions. Mitigation Measure BIO-2b requires providing new wetland or aquatic habitat of the same type that was impacted through the creation, enhancement, or restoration of wetlands or via the purchase of mitigation credits, and by implementing a Wetland Mitigation and Monitoring Plan, including success criteria. Implementation of Mitigation Measure BIO-2a and BIO-2b would reduce potential impacts to less than significant.

Impact C-BIO-1: Implementation of the proposed Project, in combination with past, present, and reasonably foreseeable future development, would not have a substantial adverse effect, either directly, indirectly, or through habitat modifications, on a species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS (special-status fish, nesting birds, special-status roosting bats).

Mitigation Measures. EIR Mitigation Measures BIO-1a, BIO-1b, BIO-1c, BIO-1d and BIO-1e (DEIR, pp. 4.3-17 to 4.3-22) will be implemented for the Project as provided in the MMRP.

Findings Regarding Impact C-BIO-1: Based on the FEIR and the entire record before the City, the Council finds that Mitigation Measures BIO-1a, BIO -1b, BIO-1c, BIO-1d, and BIO-1e (as summarized above) would substantially lessen the severity of Impact C-BIO-1. With implementation of these Mitigation Measure BIO-1a-c, Project construction, in combination with cumulative projects, would not cause or contribute to a cumulatively considerable impact to special-status fish and impacts would be less than significant. Furthermore, with compliance with the Municipal Regional Stormwater NPDES Permit (MRP) to protect water quality, operational impacts related to the proposed Project to special-status fish would be less than significant; therefore, they would not cause or

contribute to a cumulatively considerable impact to this biological resource, and impacts would be less than significant. With respect cumulative impacts to bird and bats, with implementation of Mitigation Measure BIO-1d-e, the Project, in combination with cumulative projects, would not cause or contribute to a cumulatively considerable impact to special-status and protected birds and bats, and impacts would be less than significant. Lastly, since operational impacts related to the proposed Project to special-status birds and bats would be less than significant; therefore, they would not cause or contribute to a cumulatively considerable impact to this biological resource, and impacts would be less than significant.

Impact C-BIO-2: Implementation of the proposed Project, in combination with past, present, and reasonably foreseeable future development, would not have a substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means; would and would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS.

Mitigation Measures. EIR Mitigation Measures BIO-2a and BIO-2b (DEIR, pp. 4.3-26 to 4.3-27) will be implemented for the Project as provided in the MMRP.

Findings Regarding Impact C-BIO-2: Based on the FEIR and the entire record before the City, the Council finds that Mitigation Measures BIO-2a and BIO-2b (as summarized above) would substantially lessen the severity of Impact C-BIO-2. With compliance with MRP requirements and implementation of Mitigation Measures BIO-2a-b, the Project, in combination with cumulative projects, would not cause or contribute to a cumulatively considerable impact to wetlands and other waters, and impacts would be less than significant.

4.4. Cultural Resources, including Tribal Cultural Resources

Impact CUL-2: The Project may cause a substantial adverse change in the significance of an archaeological resource pursuant to Public Resources Code Section 15064.5.

Mitigation Measures. EIR Mitigation Measure CUL-2a and CUL-2b (DEIR, pp. 4.4-14 to 4.4-15) will be implemented for the Project as provided in the MMRP.

Findings Regarding Impact CUL-2: Based on the FEIR and the entire record before the City, the Council finds that Mitigation Measures CUL-2a and CUL-2b would substantially lessen the severity of Impact CUL-2. Mitigation Measure CUL-2a requires that prior to ground-disturbing and/or construction activities, an archaeologist shall conduct a training program regarding the general archaeological sensitivity of the area and procedures to follow in the event of archaeological resources and/or human remains inadvertently discovered. Mitigation Measure CUL-2b requires if archaeological resources are discovered on the Project site, work within 100 feet of the find will be stopped and a qualified archaeologist be retained to evaluate the significance of cultural resources, and appropriate steps be taken to avoid, protect and preserve such resources as described in

Mitigation Measure CUL-2b. The implementation of Mitigation Measures CUL-2a and CUL-2b would reduce the impact to a less-than-significant level.

Impact CUL-3: The Project may disturb human remains, including those interred outside of designated cemeteries.

Mitigation Measures. EIR Mitigation Measure CUL-3 (DEIR, p. 4.4-15) will be implemented for the Project as provided in the MMRP.

Findings Regarding Impact CUL-3: Based on the FEIR and the entire record before the City, the Council finds that Mitigation Measure CUL-3 would substantially lessen the severity of Impact CUL-3. Mitigation Measure CUL-3 requires that in the event of discovery or recognition of any human remains during construction activities, such activities within 100 feet of the find shall cease until the County Coroner has been contacted to determine that no investigation of the cause of death is required, and the Native American Heritage Commission (NAHC) will be contacted within 24 hours if it is determined that the remains are Native American; the NAHC and appropriate steps be taken to treat such resources as described in Mitigation Measure CUL-3. With implementation of Mitigation Measure CUL-3, in conjunction with the training and inadvertent discovery of cultural resources protocols identified in in Mitigation Measures CUL-2a and CUL-2b, the potential impact to unknown human remains is less than significant.

Impact CUL-4: The Project may cause a substantial adverse change to tribal cultural resources, as defined in Public Resources Code Section 20174.

Mitigation Measures. EIR Mitigation Measure CUL-2a and CUL-2b (DEIR, pp. 4.4-14 to 4.4-15) will be implemented for the Project as provided in the MMRP.

Findings Regarding Impact CUL-4: Based on the FEIR and the entire record before the City, the Council finds that Mitigation Measures CUL-2a and CUL-2b, and CUL-3 (summarized above) would substantially lessen the severity of Impact CUL-4, such that this potential impact would be less than significant.

Impact C-CUL-2: The Project, when combined with other past, present, or reasonably foreseeable projects, would not result in a significant cumulative impact to archaeological resources, human remains, or tribal cultural resources.

Mitigation Measures. EIR Mitigation Measure CUL-2a and CUL-2b (DEIR, pp. 4.4-14 to 4.4-15) and EIR Mitigation Measure CUL-3 (DEIR, p. 4.4-15) will be implemented for the Project as provided in the MMRP.

Findings Regarding Impact C-CUL-2: Based on the FEIR and the entire record before the City, the Council finds that Mitigation Measures CUL-2a and CUL-2b (summarized above) would substantially lessen the severity of Impact C-CUL-2 to archaeological and tribal cultural resources, and EIR Mitigation Measure CUL-3 (summarized above) would substantially lessen

the severity of Impact C-CUL-2 to human remains. Therefore, with implementation of Mitigation Measures CUL-2a, CUL-2b, and CUL-3, the Project's contribution to cumulative impacts to archaeological resources, human remains, and tribal cultural resources would not be considerable, and the impact would be less than significant.

4.7. Greenhouse Gas Emissions

Impact GHG-1: Construction and operation of development proposed under the Project would generate GHG emissions, either directly or indirectly, that could conflict with applicable plans, policies, or regulations adopted for the purpose of reducing GHG emissions of GHGs and lead to a significant impact on the environment.

Mitigation Measures. EIR Mitigation Measure AIR-1a, AIR-1b, AIR-1c, and AIR-1d (DEIR, pp. 4.4-18 to 4.4-19) and Mitigation Measure AIR-2 (DEIR, p. 4.2-20) will be implemented for the Project as provided in the MMRP.

Findings Regarding Impact GHG-1: Based on the FEIR and the entire record before the City, the Council finds that Mitigation Measures AIR-1a, AIR-1b, AIR-1c, AIR-1d, and AIR-2 (as summarized above) would substantially lessen the severity of Impact GHG-1. With implementation of the Mitigation Measures AIR-1a, AIR-1b, AIR-1c, AIR-1d, and AIR-2, the Project would not generate GHG emissions, either directly or indirectly, that would lead to a significant impact on the environment or conflict with local, regional, or State-level efforts towards achieving GHG reduction targets for 2030 and 2050, and the impact would be less than significant.

4.8. Hazards and Hazardous Materials

Impact HAZ-1: The Project would not create a significant hazard to the public or the environment through the routine transport, use, disposal of hazardous materials; or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials.

Mitigation Measures. EIR Mitigation Measure HAZ-1 (DEIR, pp. 4.8-21 to 4.8-22) will be implemented for the Project as provided in the MMRP.

Findings Regarding Impact HAZ-1: Based on the FEIR and the entire record before the City, the Council finds that Mitigation Measure HAZ-1 would substantially lessen the severity of Impact HAZ-1. Mitigation Measure HAZ-1 requires the preparation and implementation of a Soil and Groundwater Management Plan (SGMP) for the management of soil, fill, soil gas, and groundwater before any ground-disturbing activity to manage contaminated materials, if encountered. The SGMP shall include measures to remove and/or treat/remediate the impacted soil, fill, and groundwater, as needed, in a manner that is protective of human health and the environment and compatible with commercial land use, in compliance with all applicable regulatory standards, under supervision of a qualified environmental professional. With compliance with the numerous laws and regulations that govern the transportation, use, handling, and disposal of hazardous materials; compliance with the San Mateo County Environmental Health Services (SMCEHS) land use

restrictions, and implementation of Mitigation Measure HAZ-1, the impact would be reduced to a less than significant level.

Impact HAZ-2: The Project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and could have the potential to create a significant hazard to the public or the environment.

Mitigation Measures. EIR Mitigation Measure HAZ-1 (DEIR, pp. 4.8-21 to 4.8-22) will be implemented for the Project as provided in the MMRP.

Findings Regarding Impact HAZ-2: Based on the FEIR and the entire record before the City, the Council finds that Mitigation Measure HAZ-1 (as summarized above) would substantially lessen the severity of Impact HAZ-2. With compliance with the numerous laws and regulations that govern the transportation, use, handling, and disposal of hazardous materials; compliance with the SMCEHS land use restrictions, and implementation of Mitigation Measure HAZ-1, the impact would be reduced to a less than significant level.

4.9. Hydrology and Water Quality

Impact HYD-1: Implementation of the Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.

Mitigation Measures. EIR Mitigation Measure HAZ-1 (DEIR, pp. 4.8-21 to 4.8-22) will be implemented for the Project as provided in the MMRP.

Findings Regarding Impact HYD-1: Based on the FEIR and the entire record before the City, the Council finds that Mitigation Measure HAZ-1 (as summarized above) would substantially lessen the severity of Impact HYD-1. With compliance with the NPDES CGP regulations, and implementation of Mitigation Measure HAZ-1, this impact would be less than significant.

Impact HYD-5: Implementation of the Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Mitigation Measures. EIR Mitigation Measure HAZ-1 (DEIR, pp. 4.8-21 to 4.8-22) will be implemented for the Project as provided in the MMRP.

Findings Regarding Impact HYD-5: Based on the FEIR and the entire record before the City, the Council finds that Mitigation Measure HAZ-1 (as summarized above) would substantially lessen the severity of Impact HYD-5. With compliance with the NPDES CGP regulations, and implementation of Mitigation Measure HAZ-1, this impact would be less than significant.

Impact C-HYD-1: Implementation of the Project, when combined with other past, present, or reasonably foreseeable projects, would not contribute considerably to cumulative impacts on hydrology and water quality.

Mitigation Measures. EIR Mitigation Measure HAZ-1 (DEIR, pp. 4.8-21 to 4.8-22) will be implemented for the Project as provided in the MMRP.

Findings Regarding Impact C-HYD-1: Based on the FEIR and the entire record before the City, the Council finds that Mitigation Measure HAZ-1 (as summarized above) would substantially lessen the severity of Impact C-HYD-1. With compliance with existing regulations, and implementation of Mitigation Measure HAZ-1, this impact would be less than significant.

Impact UTIL-2: Sufficient City water supply would be available to serve the Project and reasonably foreseeable future development under normal years even if the Bay Delta Plan Amendment is implemented. However, the Project would contribute to a shortfall in the City's water supply during single dry and multiple dry years with implementation of the Bay-Delta Plan Amendment.

Mitigation Measures. EIR Mitigation Measure UTIL-2 (DEIR, p. 4.15-16) will be implemented for the Project as provided in the MMRP.

Findings Regarding Impact UTIL-2: Based on the FEIR and the entire record before the City, the Council finds that Mitigation Measure UTIL-2 would substantially lessen the severity of Impact UTIL-2. The City has developed a Development Offset Program to demonstrate how future water demands would be met through the implementation of citywide water conservation programs. The Development Offset Program ensures that the overall customer demand for water does not exceed available current or future supply under a range of hydrologic conditions, and ensures the availability of water for residential, commercial, and other purposes for future water use in this service area. Per the Development Offset Program and the Water Supply Assessment, the Project applicant shall make a monetary contribution to pay for its fair share of funding of water conservation programs to offset the Project's contribution to the City's water supply shortfall of 4.2 MGY during multiple dry years.

With implementation of the Developer Offset Fee Program in Mitigation Measure UTIL-2, the proposed Project would mitigate its impact on the City's demand and supply reliability. As a result, the proposed Project is not anticipated to result in an increase in demands or decrease in supply reliability for the City relative to those projected in the City's 2020 Urban Water Management Plan (UWMP) and the City's 2020 water demand projections update. Based on currently available information, the City expects to be able to meet all future demands within its service area inclusive of the proposed Project in normal hydrologic years and dry years. The shortfalls that are currently projected during dry years will be addressed through planned implementation of the City's Water Shortage Contingency Plan (WSCP). In addition, the City, Bay Area Water Supply & Conservation Agency (BAWSCA), and the San Francisco Public Utilities Commission (SFPUC) are

pursuing the development of additional water supplies and mitigation measures to improve the RWS and local supply reliability.

V. Findings Regarding Project Alternatives

The CEQA Guidelines require that an EIR describe a reasonable range of alternatives that would feasibly attain most of the basic project objectives but would avoid or substantially lessen any of the significant environmental effects of the project, and then evaluate the comparative merits of such alternatives. (Guidelines §15126(a)).

A. Objectives for the Project

The underlying purpose of the proposed Project is to develop a major state-of-the-art life science and/or office development, with supporting amenities at a prominent, signature waterfront location proximate to major transportation corridors and high quality transit such as BART and Caltrain. Other objectives of the proposed Project include:

- Create a world-class life science/office waterfront development of multiple buildings suitable for one or several major users, with amenities to serve employees, visitors, and members of the general public.
- Develop a site plan that preserves key view corridors and provides community benefits, including the creation of major new open spaces and Bay Trail connections that prioritize public access through the site and to the waterfront.
- Redevelop underutilized existing parcels and outdated structures and asphalt surfaces in a manner consistent with the City's General Plan vision for the Bayshore area as a regional recreation and business destination.
- Include well-designed, individual buildings of sufficient floor-plate size and design to accommodate a variety of building uses and phasing flexibility to ensure that the Project is responsive to market conditions and tenant demands, while providing community benefits that meet or exceed the City's requirements.
- Establish a development with sophisticated, unified architectural and landscape design and site planning consistent with City design review regulations and applicable General Plan policies, resulting in a distinctive project identity and strong sense of place and relationship to the waterfront context.
- Improve and enhance public access to the waterfront by extending the Bay Trail through the site and improving the waterfront and creek-side edges of the site through paving, wayfinding signage, street furniture, lighting, and other amenities.
- Promote public transit linkages and use of alternative modes of transportation by including shuttles and other Transportation Demand Management programs as well as bicycle and pedestrian access to and through the site, including safety enhancements to off-site bicycle and pedestrian infrastructure.
- Provide sufficient automobile parking to meet the demand of Project users consistent with City regulations and policies and with the aim to promote transit, electric vehicle, and other VMT-friendly travel.

- Incorporate sustainable and environmentally sensitive design and equipment, energy conservation features, water conservation and landscaping measures, and sustainable stormwater management features.
- Build shoreline infrastructure to contribute toward flood protection and sea level rise resiliency for the Project and the City.
- Provide a positive fiscal impact on the local economy through the creation of jobs, diversification of the types of employment in the City, enhancement of property values, increasing demand for nearby hotel uses, and generation of property tax and other development fees.

B. Significant Environmental Impacts of the Project

Based on the analyses in Chapter 4 of the DEIR, the City has determined that all of the proposed Project's potentially significant environmental effects would be avoided or reduced to less-than-significant levels through implementation of the mitigation measures described in the DEIR and MMRP. The Proposed Project would not result in any significant and unavoidable impacts.

C. Project Alternatives Descriptions

Through the environmental review process, the City identified the following three (3) Project alternatives for consideration:

The No Project – No Development Alternative The No Project – No Development Alternative assumes that the proposed Project, including the life science / office buildings and parking structures, site circulation, sustainable infrastructure, and community improvements, would not be constructed and implemented. This would include not implementing Project-proposed sea level rise and flooding improvements; proposed biological improvements (creation of improved shoreline natural area with native habitat); and proposed publicly accessible recreational amenities (including extension of the Bay Trail through the Project site). Under this alternative, all existing development on the Project site, including buildings, surface parking lots, supporting infrastructure and landscaping would be retained. Existing and/or new tenant(s) would operate in the Project site buildings, consistent with current zoning regulations. Since the Project development would not occur under this alternative, none of the proposed approvals required for the proposed Project, including, but not limited to, special permits from the City for height and floor area ratio (FAR), or resource agencies, would be required (or necessary).

Alternative 2: Life Science (80 Percent Maximum) / Office Use Development. This alternative assumes development of a life science and office development at the Project site that would be similar in total building size, massing, height, and configuration as that proposed under the Project. This alternative would maintain the same FAR as the Project. However, this alternative would limit the life science use portion of the development to up-to-80 percent of the total life science/office development square footage, with no limit on the office portion of the development. Additionally, this alternative assumes 5,000 gsf dedicated to restaurant use, same as that proposed under the Project. Similar to the proposed Project, this alternative assumes the construction of three life science / office buildings and two parking structures, and supporting site circulation,

sustainable infrastructure, and landscaping improvements. This would include implementation of similar sea level rise and flooding improvements; biological improvements; publicly-accessible recreational amenities; and operational TDM program as proposed under the Project. This alternative is also assumed to require similar City approvals as those required for the proposed Project, including, but not limited to, special permits for height and FAR; and additional approvals from applicable resources agencies.

This alternative assumes an 80 percent life science / 20 percent office use split on environmental topics where the impacts of life science use are anticipated to be greater than that of office use (e.g., water demand). For those environmental topics where the impacts of office use would be anticipated to be greater than that of life science use (e.g., estimation of employment, traffic, etc.), this alternative assumes 100 percent office use of the buildings, similar to the approach taken for the analysis of the proposed Project in this EIR for those topics. This alternative is intended to represent a development with similar types of land uses as proposed under the Project but which would be of a land use mix that would result in a reduced water demand compared to the Project.

Alternative 3: Reduced Size Life Science / Office Development. This alternative assumes a reduced size life science and office development at the Project site. For purposes of this alternative, it is assumed the overall size of the development would be approximately 1.278 million gsf, which represents a reduction of 10 percent (or approximately 142,000 gsf), compared to that proposed under the Project. This alternative would maintain a FAR of 2.44, less than the 2.71 FAR proposed under the Project. Similar to the Project, the buildings developed under this alternative would be designed to support either office or life science tenants, allowing flexibility in end use and range from an overall building program of 100 percent life science use to a 100 percent professional office use, or a combination thereof.

Given the reduction in size, it is assumed that the life science/office buildings developed under this alternative would be reduced in height and/or include reduced floor plates in proportion to the reduced square footage. Similarly, it is assumed the one or both parking structures would be reduced by height and/or reduced footprint, with proportionally-reduced parking capacity. This alternative assumes implementation of similar sea level rise and flooding improvements in compliance with existing code regulations. The Project is assumed to include similar biological and recreational improvements compared to those proposed under the Project. Lastly, the alternative would include a TDM program, as required by City code, similar to that for the proposed Project. This alternative is assumed to seek any applicable required City approvals, including, but not limited to, special permits for height and FAR; and additional approvals from applicable resources agencies.

Similar to the approach taken for the proposed Project, this alternative assumes 100 percent life science use of the buildings on environmental topics where the impacts of life science use are anticipated to be greater than that of office use; and conversely, assumes 100 percent office use where the impacts of office use are anticipated to be greater than that of life science use. This alternative is intended to represent a development with similar types of land uses but with less

overall land use development compared that proposed under the Project, and with overall reduced construction and operational effects commensurate with a smaller development.

D. Findings Relating to Alternatives

Based on the evaluation and analysis of Project alternatives set forth in Chapter 6 of the DEIR, and on the entire record of proceedings for the Project, the City Council hereby makes the following findings:

Findings Relating to the No Project – No Development Alternative

Findings. The No Project – No Development Alternative is described and discussed on pages 6-7 to 6-11 of the DEIR. The No Project– No Development Alternative is hereby rejected because it would not achieve any of the Project objectives, is unrealistic, and is impractical.

Explanation. The No Project - No Development Alternative would not involve new demolition and construction at the Project site related to proposed Project. As such, the No Project - No Development Alternative would have substantially less overall environmental impacts than either the proposed Project or the other alternatives. The No Project - No Development Alternative would avoid 19 significant but mitigable project and/or cumulative impacts that would occur under the Project, including impacts related to generation of construction and operational air emissions, and conflict with the 2017 Clean Air Plan; potential impacts to special-status fish species, nesting birds and roosting bats during construction; potential impacts to protected wetlands and sensitive natural communities; potential to disturb unknown archaeological tribal resources, and human remains during construction excavation; generation of GHG emissions; potential to encounter hazardous materials associated with previous land uses in soils or groundwater during construction, and associated potential to degrade surface or groundwater quality or conflict with a water quality control plan; and furthering contribution to contribute to a shortfall in the City’s water supply during single dry and multiple dry years with implementation of the Bay-Delta Plan Amendment.

However, the No Project Alternative would not meet any of the objectives for the proposed Project, including, but not limited to, the creation of a life science/office development in proximity to major transportation corridors and high quality transit; provision of community benefits, including improving and enhancing access to the Project site; promoting public transit linkages and use of alternative modes of transportation and bicycle and pedestrian access; or providing flood protection and sea level rise resiliency with proposed shoreline infrastructure.

Findings Relating Alternative 2: Life Science (80 Percent Maximum) / Office Use Development

Findings. Alternative 2: Life Science (80 Percent Maximum) / Office Use Development is described and discussed on pages 6-11 to 6-16 of the DEIR. Alternative 2: Life Science (80 Percent Maximum) / Office Use Development is hereby rejected because it would cause the same or similar impacts as the proposed Project but would not allow for the flexibility of the Project to respond to market trends and find tenants to keep the building occupied, create jobs, and diversify the types of employment in the City consistent with the Project objectives.

Explanation. Since Alternative 2: Life Science (80 Percent Maximum) / Office Use Development would be of similar size and scale as the proposed Project, it would have similar type and amount of construction activities as the Project. Consequently, this alternative would involve similar project and cumulative impacts associated with construction activities as the Project, including with construction-generated air emissions, health risks and noise; construction impacts on biological resources (special-status fish species, nesting birds and roosting bats protected wetlands and sensitive natural communities); and potential ground disturbance effects, including with the potential for encountering cultural resources and subsurface hazardous materials, creation of erosion/siltation and polluted runoff, and effects on surface and groundwater quality.

From an operational perspective, the majority of worst-case environmental impacts of this alternative (when considering an all-office use development) would be similar to that of the Project, including traffic generation and related VMT and air emissions, population and housing demand, and demand for public services, recreation and most utilities. However, on the topic of water supply, the worst-case net new water demand scenario for this alternative (considering an 80 percent life science / 20 percent office use split) would be approximately 13 MGY less than that which would be generated by the proposed Project. Consequently, the entirety of this alternative's water demand would be included within the City's commercial, industrial and institutional (CII) projected water demands. This alternative would therefore not contribute to a furtherance of the City's water supply shortfall during single dry and multiple dry years with implementation of the Bay-Delta Plan Amendment, and accordingly, would avoid the significant but mitigable Project impact on the City's demand and supply reliability.

To the extent that the demand for additional developed life science space that would otherwise be built pursuant to the proposed Project would be met elsewhere in the Bay Area, employees in such development could potentially generate greater impacts on transportation systems (including VMT), air quality, and greenhouse gases than would be the case for development on the proposed Project site that would be well served by transit. This would be particularly likely for development in more outlying parts of the region where fewer services and less transit access is provided.

Findings Relating to the Reduced Life Science / Office Development Alternative

Findings. The Reduced Life Science / Office Development Alternative is described and discussed on pages 6-16 to 6-21 of the DEIR. The Reduced Life Science / Office Development Alternative is hereby rejected because it would not provide as many jobs and business opportunities within the City given its smaller size and thus would not achieve the Project objectives related to providing a positive fiscal impact on the local economy, creation of jobs, and diversification of employment. Moreover, the proposed Project's size is consistent with the development standards of the City's General Plan and Zoning Code, and the size reduction would not significantly reduce Project impacts, which are already mitigable to less than significant levels.

Explanation. The Reduced Life Science / Office Development Alternative would involve a smaller development than that proposed under the Project. The overall size of the development under this alternative would be approximately 1.278 million gsf, a reduction of 10 percent (or approximately 142,000 gsf), compared to that proposed under the Project. Accordingly, this

alternative would require less construction, and therefore, would result in less construction effects than the Project.

The Reduced Life Science / Office Development Alternative would also involve proportionally less amount of operational development as the Project. Consequently, from an operational perspective, the worst-case operational impacts of this alternative (when considering an all-office use development) would be less than that of the Project, including traffic generation and related VMT air emissions, population and housing demand, and demand for public services, recreation and utilities. On the topic of water supply, the worst-case net new water demand scenario for this alternative (considering an all-life science development) would be approximately 10 MGY less than that which would be generated by the proposed Project. Consequently, the entirety of this alternative's water demand would be included within the City's CII projected water demands.

In total, the Reduced Size Life Science / Office Development would serve to incrementally reduce the severity of the 19 significant but mitigable project and/or cumulative impacts of the Project, and would avoid the Project's significant but mitigable impact related to furthering contribution to a shortfall in the City's water supply during single dry and multiple dry years with implementation of the Bay-Delta Plan Amendment.

To the extent that the demand for additional developed life science / office space that would otherwise be built pursuant to the proposed Project would be met elsewhere in the Bay Area, employees in such development could potentially generate greater impacts on transportation systems (including VMT), air quality, and greenhouse gases than would be the case for development on the proposed Project site that would be well served by transit. This would be particularly likely for development in more outlying parts of the region where fewer services and less transit access is provided.