

**ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLINGAME
CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) FOR AN
APPLICATION FOR COMMERCIAL DESIGN REVIEW, SPECIAL PERMITS FOR HEIGHT
AND DEVELOPMENT UNDER TIER 3/COMMUNITY BENEFITS, VESTING TENTATIVE MAP,
AND DEVELOPMENT AGREEMENT FOR A NEW DEVELOPMENT PROJECT, CONSISTING
OF THREE 11-STORY OFFICE/RESEARCH AND DEVELOPMENT BUILDINGS AND TWO
10- AND 10.5-STORY PARKING STRUCTURES AT 1200-1340 OLD BAYSHORE HIGHWAY,
BURLINGAME AND ADOPTION OF A WATER SUPPLY ASSESSMENT PREPARED FOR
THE PROJECT**

THE CITY COUNCIL OF THE CITY OF BURLINGAME finds as follows:

WHEREAS, in accordance with the California Environmental Quality Act (“CEQA”; Public Resources Code section 21000 et seq.) and the CEQA Guidelines (Title 14, sections 15000 et seq. of the California Code of Regulations), the City determined that an Environmental Impact Report (the “EIR”) would be required for an application for Commercial Design Review, Special Permits for Building Heights and Development under Tier 3/Community Benefits, Vesting Tentative Map, and Development Agreement for a new office/research & development project consisting of three 11-story office/research & development buildings and two 10- and 10.5-story parking structures at 1200-1340 Old Bayshore Highway (the “Project”), on a site zoned BFC and owned by DW Burlingame I Owner, LLC; DW Burlingame II Owner, LLC; DW Burlingame II Owner A, LLC; DW Burlingame II Owner B, LLC; and DW Burlingame III Owner, LLC (APNs: 026-113-470; 026-113-480; 026-142-220; 026-142-160;026-142-170; 026-113-330; 026-113-450; 026-142-110; 026-142-200; 026-142-240; 026-142-020; 026-142-030; 026-142-180); and

WHEREAS, on August 12, 2022, the City issued a Notice of Preparation (NOP) for the EIR in compliance with CEQA Guidelines Section 15082 for a 30-day review period concluding on September 12, 2023; the City received 20 comments from agencies and interested parties which were considered during preparation of a Draft Environmental Impact Report for the Project (“DEIR”; SCH #2022080299); and

WHEREAS, the City retained Environmental Science Associates (“ESA”), an independent environmental consultant to prepare the DEIR; and

WHEREAS, on September 20, 2023, the City released the DEIR for a 49-day public review and comment period in accordance with (and in excess of) the requirements of CEQA and the CEQA Guidelines; and

WHEREAS, during the public comment period, this Planning Commission held a public hearing on October 23, 2023, to receive any oral or written comments that the public might wish to offer on the DEIR; and

WHEREAS, following the public comment period, the City prepared a Final Environmental Impact Report (the “FEIR”) which incorporates the DEIR by reference, includes all comments received during the public review period and responses to those comments, describes changes to the DEIR that resulted from the comments received, and includes a Mitigation Monitoring and Reporting Program (“MMRP”); and

WHEREAS, on March 1, 2024, the FEIR was published and all persons who commented on the DEIR were notified of the availability of the Final EIR, which clearly presents and analyzes the potential environmental impacts associated with the Project and identifies appropriate alternatives as required by CEQA and the CEQA Guidelines; and

WHEREAS, the FEIR identified no significant and unavoidable adverse environmental impacts that would occur from development of the Project as mitigation measures would reduce all potential environmental impacts to a less-than-significant levels; and

WHEREAS, the FEIR concluded that the Project would result in less-than-significant environmental impacts or no impacts in the areas of: (1) Aesthetics, (2) Agriculture and Forestry Resources, (3) Energy, (4) Geology and Soils, (5) Land Use and Planning, (6) Mineral Resources, (7) Noise and Vibration, (8) Population and Housing, (9) Public Services and Recreation, (10) Transportation, and (11) Wildfire; and

WHEREAS, the FEIR concluded that the potentially significant environmental effects of the project in the areas of (1) Air Quality, (2) Biological Resources, (3) Cultural Resources, (4) Greenhouse Gas Emissions, (5) Hazards, (6) Hydrology, (7) Utilities and Service Systems could all be mitigated to less-than-significant levels; and

WHEREAS, Public Resources Code section 21081.6 requires the City to adopt a MMRP because mitigation is required, and the MMRP for the Project has been made available to the public with the FEIR; and

WHEREAS, the FEIR provides the City Council, and the public with sufficient and thorough information regarding the potential significant environmental impacts of the Project; and

WHEREAS, the FEIR has been prepared and considered in conformance with CEQA and the CEQA Guidelines, with independent preparation by a City-retained environmental consultant and application of the independent comment and judgment of both City staff and this Commission; and

WHEREAS, the mitigation measures required by the FEIR have been incorporated into the conditions of approval for the project as described in the attached Exhibit A; and

WHEREAS, California Water Code Sections 10910 through 10915, based on Senate Bill 610 of 2001, requires the preparation of a Water Supply Assessment for any development whose approval is subject to the California Environmental Quality Act and which meets the definition of a "project" as defined by Water Code section 10912(a); and

WHEREAS, California Water Code Section 10912(a)(3) defines a project as "a proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space, so the Project requires a Water Supply Assessment; and

WHEREAS, the City of Burlingame has prepared a Water Supply Assessment in accordance with California Water Code Section 10910(d); and

WHEREAS, on March 11, 2024, the Planning Commission conducted a duly noticed public hearing on the FEIR and on the Project, at which time it reviewed and considered the staff report and all other written materials and testimony presented at said hearing and recommended, on a 6-0 vote with one Commissioner absent, that the City Council certify the FEIR; and

WHEREAS, on April 1, 2024, the City Council conducted a duly noticed public hearing on the FEIR and on the Project, at which time it reviewed and considered the staff report and all other written materials and testimony presented at said hearing and the Planning Commission's recommendation.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Burlingame that:

1. The above recitals are true and correct and are incorporated herein as findings.
2. The City Council, having independently heard, considered, and weighed all the evidence in the administrative record, including but not limited to the staff reports; the Final Environmental Impact Report (FEIR) (including the Mitigation Monitoring and Reporting Program and all appendices), the CEQA Findings attached hereto as Exhibit B and incorporated herein; and all other documents, reports, studies, memoranda, maps, oral and written testimony, and materials in the City's file for the Project; and all adopted City planning documents relating to the Project including the City's General Plan and Municipal Code and all other applicable City laws and regulations (collectively, the "Record"); finds that this Record serves as an adequate and appropriate evidentiary basis for the findings and actions set forth in this Resolution and is hereby incorporated by reference.
3. The City Council hereby certifies the FEIR, which is attached hereto as Exhibit A and on file in the Office of the City Clerk and incorporated by this reference, based on its independent judgment and analysis and on the CEQA Findings as well as the following:
 - a. The City of Burlingame is the lead agency under CEQA for preparing the FEIR and is the entity with final decision-making authority with regard to approval of the Project.
 - b. The FEIR has been completed in compliance with CEQA and the CEQA Guidelines and applicable provisions of the Burlingame Municipal Code.
 - c. The FEIR has been reviewed and considered by the Planning Commission and the City Council prior to the City Council's rendering of any decision regarding the approval of the Project.
 - d. The FEIR reflects the City's independent judgment and has been found by the City to be adequate to support the City's approval of the Project.
 - e. The information added in the FEIR and does not constitute new significant information requiring recirculation.
 - f. Pursuant to Section 15091 of the CEQA Guidelines, the City's actions with respect to the Project are based upon the CEQA Findings which are supported by substantial evidence in the Record.
 - g. Pursuant to Section 15091 of the CEQA Guidelines, any subsequent actions or approvals to implement the project shall be based upon and subject to the findings,

conclusions, mitigation measures and statements set forth in the FEIR (including the MMRP) and the CEQA Findings.

4. The City Council hereby approves and adopts the Water Supply Assessment attached hereto as an appendix to Exhibit A, which has been completed in compliance with Water Code Sections 10910 through 10915, based on the following findings:
 - a. The Water Supply Assessment concludes that because the proposed Project was included in the City's 2020 Urban Water Management Plan ("UWMP") and the City's 2022 water demand projections update, it will not affect water supply reliability within the City's service area beyond what has been projected. 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. The shortfalls that are currently projected during dry years will be addressed through implementation of the City's 2020 Water Shortage Contingency Plan. In addition, as described in the Water Supply Assessment and the City's 2020 Urban Water Management Plan, the Bay Area Water Supply and Conservation Agency and the San Francisco Public Utilities Commission are pursuing the development of additional water supplies to improve the Regional Water System and local supply reliability, which is anticipated to minimize potential impacts during multiple drought years conditions.
 - b. The Project will implement – as required by the MMRP and Conditions of Approval for the Project – certain conservation and other measures described in the Water Supply Assessment.
5. This Resolution shall go into effect immediately upon adoption.

Donna Colson, Mayor

I, Meaghan Hassel-Shearer, City Clerk of the City of Burlingame, do hereby certify that the foregoing Resolution was introduced and adopted at a regular meeting of the City Council held on the 1st day of April 2024, by the following vote:

Meaghan Hassel-Shearer, City Clerk

Exhibit A - FEIR

Includes the following documents that have been provided as separate attachments:

- Draft EIR, dated September 2023
- Response to Comments Document, dated February 2024
- Mitigation Monitoring and Reporting Plan (MMRP), dated February 2024

Exhibit B - CEQA Findings of Fact and Statements (required by CEQA)