

**RESPONSES TO COMMENTS ON THE
TOPGOLF BURLINGAME INITIAL STUDY**

**A. RESPONSES TO COMMENTS FROM THE NATIVE AMERICAN HERITAGE
COMMISSION, DATED FEBRUARY 26, 2020**

COMMENT A – 1:

The Native American Heritage Commission (NAHC) has reviewed the Draft Environmental Impact Report (DEIR)/Mitigated Negative Declaration (MND) or Negative Declaration prepared for the project referenced above. The review may have included the Cultural Resources Section, Archaeological Report, Appendices for Cultural Resources Compliance, as well as other information materials. We have the following concerns:

- There is no information in the documents of any contact or consultation with all traditionally, culturally affiliated California Native American Tribes from the NAHC’s contact list.

The California Environmental Quality Act (CEQA), specifically Public Resources Code Section 21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment. If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared. In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended in 2014 by Assembly Bill 52 (AB 52). AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015. AB 52 created a separate category for “tribal cultural resources”, that now includes a “project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.” Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. Your project may also be subject to Senate Bill 18 (SB 18) (Burton, Chapter 905, Statutes of 2004), Government Code 65352.3, if it also involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space. Both SB 18 and AB 52 have tribal consultation requirements. Additionally, if your project is also subject to the federal National Environmental Policy Act (42 U.S.C. Section 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 may also apply.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

Agencies should be aware that AB 52 does not preclude agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52. For that reason, we urge you to continue to request Native American Tribal Contact Lists and Sacred Lands File searched from the NAHC. The request forms can be found

online at: <http://nahc.ca.gov/resources/forms>. Additionally information regarding AB 52 can be found online at http://nahc.ca.gov/wp-content/uploads/2015/AB52TribalConsultation_CalEPAPDF.pdf, entitled “Tribal Consultation Under AB 52: Requirements and Best Practices”. The NAHC recommends lead agencies consult with all California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources.

A brief summary of portions of AB 52 and SB 18 as well as the NAHC’s recommendations for conducting cultural resources assessments is also attached.

RESPONSE A – 1: As noted in Section 4.18 Tribal Cultural Resources of the Initial Study (IS)/MND prepared for the Topgolf Burlingame project, no Native American tribes that are or have been traditionally and/or culturally affiliated within the project vicinity have requested notification from the City of Burlingame under AB 52 regarding projects in the area and their effects on a tribal cultural resource. AB 52 requires tribal notification of projects only if a Native American tribe has submitted written request for notification of projects to the lead agency. Therefore, no Native American tribes were provided formal notification of the project. No requests for consultation were received from Native American tribes during the environmental review of the project and formal consultation was not undertaken.

SB 18 is applicable to local governments and requires them to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. The proposed project does not propose amendment of a general plan or a specific plan, or the designation of open space; therefore, the requirements of SB 18 would not apply.

While the project includes mitigation measures (MM CUL-2.1, -2.2. and -2.3) which require an appropriate process to be followed in the event that subsurface cultural resources, including tribal cultural resources, are discovered during project implementation, the likelihood of a discovery of cultural resources is slim given that the site was previously used as landfill after the Bay was filled in the 1950s, and therefore has low potential to contain archaeological resources. Due to the prior use as a refuse landfill, the amount of disturbance and excavation is limited because the project has been designed to avoid penetration to the landfill cap. Adherence to these mitigation measures described above would ensure that significant impacts to tribal cultural resources are reduced to a less than significant level.

B. RESPONSES TO COMMENTS FROM THE CALIFORNIA DEPARTMENT OF TRANSPORTATION, DATED MARCH 13, 2020

COMMENT B – 1: Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Topgolf Burlingame Project. We are committed to ensuring that impacts to the State’s multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the February 2020 MND.

Project Understanding

The project proposes to redevelop the site, previously a golf course, with a Topgolf entertainment complex that includes a three-level, approximately 71,074 square-foot main building reaching up to 46 feet in height, outdoor patio, and an approximately five-acre outdoor driving range outfield. Access to the site is via Anza Blvd and is 1,000 feet from the Anza Blvd. on/off-ramp.

Travel Demand Analysis

While Caltrans strongly recommends the Lead Agency provide a Vehicle Miles Traveled (VMT) analysis of transportation impacts, please be advised that use of the VMT metric after July 1, 2020 is required by CEQA for land use projects per California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15064.3(c). With the enactment of Senate Bill (SB) 743, Caltrans is focusing on transportation infrastructure that supports smart growth and efficient development to ensure alignment with State policies using efficient development patterns, innovative travel demand reduction strategies, multimodal improvements, and VMT as the primary transportation impact metric. The travel demand analysis should include a clarification of the intensity of events/receptions to be held at the location and how the associated travel demand and VMT will be mitigated.

RESPONSE B – 1: Neither the City of Burlingame nor the County of San Mateo have adopted VMT policies or established VMT thresholds to which project-level VMT could be quantified and compared to. As described in Section 4.17 Transportation in the IS/MND prepared for the Topgolf Burlingame project, a preliminary assessment of VMT was prepared for information and disclosure purposes only. The VMT analysis found that the project has the potential to generate approximately 12,000 to 16,000 VMT on an average daily basis, based on 450 employees at the proposed location as well as existing trip length data from Topgolf locations in Roseville, California and Scottsdale, Arizona. This would amount to an increase in VMT beyond the estimated 1,754,362 VMT generated by existing land uses in Burlingame. As mentioned, there is no adopted threshold in the City of Burlingame or County of San Mateo to assess VMT against. The proposed project would, however, implement a Transportation Demand Management (TDM) program which would encourage employees to walk, bike, and ride public transit to get to the project site. Implementation of the TDM program would result in a reduction in project-generated VMT.

Travel demand for events and receptions was not calculated separately because the Topgolf Burlingame facility is not an event/reception venue. Topgolf is primarily a high-tech driving range for small groups with limited event space. Special events are not part of the regular operations of Topgolf. The approximate square footage dedicated to events is less than 2,000 square feet and will primarily be used for small corporate events or parties. These events would have been captured in the traffic counts taken at existing venues as they are a part of the regular operations of Topgolf. There will not be any professional golf events or concerts at this site.

COMMENT B – 2: With respect to the local and regional roadway system, provide project related trip generation, distribution, and assignment estimates. To ensure that queue formation does not

create traffic conflicts, the project-generated trips should be added to the existing, future, and cumulative scenario traffic volumes for the intersections and freeway ramps listed below. Potential queuing issues should be evaluated including on-ramp storage capacity and analysis of freeway segments near the project; turning movements should also be evaluated. In conducting these evaluations, it is necessary to use demand volumes rather than output volumes or constrained flow volume.

- Intersections and Ramps: U.S. 101 at Broadway, U.S. 101 at Airport Boulevard and U.S. 101 at Poplar Avenue. Please make sure that impacts on these ramps are assessed due to the project generated trips.
- The calculated queues as shown in Appendix C (intersection #3 – Broadway/U.S. 101 ramps, and intersection #9 – U.S. 101 off-ramp/Airport Boulevard) are for saturated conditions without considering demand volumes. Please perform an analysis taking into account the demand volumes. If there is spill over queue and impact on ramps, please identify mitigation measures for these impacts. CEQA does not exempt these types of operational concerns from evaluation and mitigation.

RESPONSE B - 2:

Project-Generated Trips

The trip generation utilized in the transportation analysis was derived from counting existing Topgolf facilities in the western United States and represents the Topgolf generated traffic volumes during the peak hours of the adjacent roadway network. The peak utilization for Topgolf is Saturday evenings between 6 p.m. and 9 p.m. and does not coincide with the weekday peak hours of the adjacent roadway network.

The intersection and roadway system operations were evaluated during the weekday morning (AM) and weekday afternoon (PM) peak hours for the scenarios shown in the following table, which is presented as Table 4.17-5 on page 154 of the IS/MND. All of the “plus project” conditions included the project-generated trips.

SCENARIO	DESCRIPTION
Existing Conditions	The analysis of Existing Conditions was based on traffic counts recorded at all study intersections on May 30, 2018, as well as freeway count data extracted from July 13, 2018 to July 20, 2018. The existing conditions analysis also includes a description of key area roadways and an assessment of bicycle, pedestrian, and transit facilities and services near the site.
Existing plus Project Conditions	This traffic scenario provides an assessment of operating conditions under Existing Conditions with the addition of Project-generated traffic and transportation network infrastructure proposed by the Project. The impacts of the proposed Project on existing baseline traffic operating conditions were then identified.
Background Conditions	Future traffic forecasts without the proposed Project were developed for the Background Conditions by adding traffic from “approved but not yet constructed” developments near the Project site to the Existing Conditions traffic counts.

Background plus Project Conditions	This traffic scenario provides an assessment of operating conditions under Background Conditions with the addition of Project-generated traffic and transportation network infrastructure proposed by the Project. The impacts of the proposed Project under Background Conditions were then identified.
Cumulative Conditions	Future traffic forecasts without the proposed Project were developed for the Cumulative Conditions by forecasting future traffic by applying a one percent annual growth rate to the existing count data and adding traffic from approved and pending developments in the area.
Cumulative plus Project Conditions	This traffic scenario provides an assessment of operating conditions under Cumulative Conditions with the addition of Project-generated traffic and transportation network infrastructure proposed by the Project. The impacts of the proposed Project under Cumulative Conditions were then identified.

Study Intersections and Freeway Ramps

The Topgolf Transportation Impact Analysis Report, dated November 2019, included the sixteen study intersections shown in the following table and presented in Table 4.17-4 on page 150-151 of the IS/MND. The Caltrans intersections are highlighted:

ID	INTERSECTION	JURISDICTION
1	Old Bayshore Highway / U.S. 101	Caltrans
2	Broadway, Airport Boulevard & Old Bayshore Highway	Caltrans
3	Broadway / U.S. 101	Caltrans
4	Broadway / Rollins Road	City of Burlingame
5	Broadway / Carolan Avenue	City of Burlingame
6	Broadway / California Drive	City of Burlingame
7	Cadillac Way / Rollins Road	City of Burlingame
8	Anza Boulevard / Airport Boulevard	City of Burlingame
9	Airport Boulevard / U.S. 101	Caltrans
10	Peninsula Avenue, Coyote Point Drive & Airport Boulevard	City of San Mateo
11	Peninsula Avenue / Bayshore Boulevard	City of San Mateo
12	Peninsula Avenue / Humboldt Street	City of San Mateo
13	Poplar Avenue / Humboldt Street	City of San Mateo
14	Poplar Avenue, Amphlett Boulevard & U.S. 101*	Caltrans
15	Anza Boulevard / Access 1 (Existing Driveway) *	City of Burlingame
16	Airport Boulevard / Access 2 (Proposed Driveway) *	City of Burlingame

Intersection Queuing Analysis

The intersection queuing analyses methodology conducted for the project is consistent with standard practice for intersection queuing and included the Caltrans intersections and freeway ramps identified in the above table. A comparison of the 95th percentile queues for the U.S. 101 off-ramps was conducted to identify any adverse effects between the Existing and Existing plus Project Conditions, Background and Background plus Project Conditions, and Cumulative and Cumulative plus Project Conditions. Vehicle queues would not extend more than one vehicle length during the AM and PM Peak Hours at Broadway/U.S. 101 and Airport Boulevard/U.S. 101. The project, therefore, would not adversely affect queues at either of these off-ramp intersections. With the addition of project trips to existing, background, and cumulative conditions, the intersection of Poplar Avenue/Amphlett Boulevard and U.S. 101 would continue to operate at LOS C.

Freeway Analysis

In addition to the sixteen intersections, the following freeway segments were selected for analysis, as described on page 153 of the IS/MND:

1. U.S. 101 – I-380 to Millbrae Avenue
2. U.S. 101 – Millbrae Avenue to Broadway
3. U.S. 101 – Broadway to Peninsula Avenue
4. U.S. 101 – Peninsula Avenue to SR 92
5. U.S. 101 – SR 92 to Whipple Avenue
6. U.S. 101 – Whipple Avenue to Santa Clara County Line
7. SR 92 – I-280 to U.S. 101

Freeway segments were analyzed following the C/CAG Congestion Management Program 2017 report findings to formulate existing conditions. Freeway segments were evaluated using the average vehicle speed per the *Highway Capacity Manual 1994* method. A freeway segment is considered to operate at an acceptable LOS if the segment operates at or better than the level of service standard identified for the study freeway segment by the C/CAG CMP. C/CAG's LOS standard for the freeway segments is LOS E except for the following three segments which have different standards: SR 92 from I-280 to U.S. 101, which is LOS D, and U.S. 101 from Peninsula Avenue to SR 92 and Whipple Avenue to Santa Clara County Line, which are both LOS F. Additionally, according to the C/CAG technical guidelines, the project's freeway impact is determined by whether project trips amount to one percent or more of that segment's capacity. The project trips do not amount to one percent of capacity for any of the study freeway segments; therefore, a more detailed freeway segment analysis was not conducted.

The proposed project would not add trips greater than one percent of freeway segment capacity at any of the freeway study segments during the AM and PM peak hours. Therefore, based on C/CAG's impact criteria, the project would have a less than significant impact at the identified freeway study segments under Existing plus Project Conditions and no further study or mitigation measures are proposed.

COMMENT B – 3: From Caltrans' *Smart Mobility 2010: A Call to Action for the New Decade*, the project site is identified as Place Type 2b: Close-In Corridors where location efficiency factors, such as community design, are moderate and offer strong regional accessibility. Given the place, type and size of the project, the project's Transportation Impact Analysis (Appendix G) has included Transportation Demand Management (TDM) elements to reduce VMT and greenhouse gas emissions. However, additional measures listed below can promote further reductions in regional VMT.

- Project design to encourage walking, bicycling and transit access;
- Transit and trip planning resources such as a commute information kiosk;
- Real-time transit information system;
- Transit subsidies for employees on an ongoing basis;
- Ten percent vehicle parking reductions;
- Charging stations and designated parking spaces for electric vehicles;
- Carpool and clean-fuel parking spaces;
- Designated parking spaces for a car share program;
- Employee transportation coordinator;
- Bicycle route mapping resources;
- Participation/Formation in/of a Transportation Management Association (TMA) in partnership with other developments in the area; and
- Aggressive trip reduction targets with Lead Agency monitoring and enforcement.

TDM programs should be documented with annual monitoring reports by a TDM coordinator to demonstrate effectiveness. Also, reducing parking supply can encourage active forms of transportation, reduce regional VMT, and lessen future transportation impacts on State facilities.

For additional TDM options, please refer to the Federal Highway Administration's *Integrating Demand Management into the Transportation Planning Process: A Desk Reference* (Chapter 8). The reference is available online at:

<https://ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf>

RESPONSE B – 3: As acknowledged above, the project is proposing to implement a TDM program. The TDM program will include a display in the employee breakroom that informs new employees of transit options, bikeshare, and other available transportation modes; secure bicycle storage; and improvements to existing adjacent bicycle and pedestrian facilities. In addition, the Topgolf facility will be added as a stop along the City of Burlingame's trolley route, which connects the hotels east of U.S. 101 with downtown Burlingame and the Burlingame Caltrain Station. Ten percent vehicle parking reductions will not be implemented because there is no on-street overflow parking in the area and the large customer base for the project will be drawn out from 3,766 hotel rooms in the area which are overparked based on recent research conducted by the Burlingame Planning Division as part of a 2018 zoning code amendment to hotel parking requirements. Therefore, the project incorporates applicable TDM measures based on its size and type.

COMMENT B – 4: Please identify project-generated travel demand and estimate the costs of transit and active transportation improvements necessitated by the proposed project; viable funding sources such as development and/or transportation impact fees should also be identified. We encourage a sufficient allocation of fair share contributions toward multi-modal and regional transit improvements to fully mitigate cumulative impacts to regional transportation. We also strongly support measures to increase sustainable mode shares, thereby reducing VMT.

RESPONSE B – 4: The City of Burlingame currently does not have impact fees per peak trip; however, the City is working on a Request for Proposal (RFP) to have a consultant prepare VMT thresholds of significance that would also look at vehicle trip impact fees for new trips added during peak times. At this time, the proposed project is subject to the City's Bayfront Development Fees, Commercial Linkage Fees, and Public Impact Fees, totaling almost \$750,000, of which a significant portion is allocated to Public Works infrastructure that includes transportation improvements.

COMMENT B – 5: As the Lead Agency, the City of Burlingame is responsible for all project mitigation, including any needed improvements to the State Transportation Network (STN). The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

RESPONSE B – 5: The City of Burlingame has prepared a Mitigation Monitoring and Reporting Program (MMRP) which details all the mitigation measures to be incorporated into the project, the timing of implementation of the measures, and the responsibility for oversight. Adherence to the mitigation measures would be a condition of approval of the project and the City of Burlingame will be responsible for ensuring all mitigation measures are adhered to. As shown in Table 4.17-8 on page 159 of the IS/MND and described in Response B - 2, the proposed project would not significantly impact any of the studied freeway segments and mitigation for impacts to the STN are not required.

C. RESPONSES TO COMMENTS FROM THE SEQUOIA AUDUBON SOCIETY, THE SANTA CLARA AUDUBON SOCIETY, AND THE SIERRA CLUB LOMA PRIETA CHAPTER WILDLIFE COMMITTEE, DATED MARCH 12, 2020

COMMENT C – 1: The Sequoia Audubon Society, the Santa Clara Audubon Society and the Sierra Club Loma Prieta Chapter (Wildlife Committee) submit the following comments on the Draft Initial Study/Mitigated Negative Declaration (MND) for the Topgolf Burlingame project (Project).

Due to the proximity of the site to a major migratory bird flyway, and documented occurrences of raptors entanglements in Topgolf nets in facilities in the United States, we believe the mitigations offered for impacts to avian species are not sufficient to reduce the risk to raptors (including peregrine falcons) to a less than significant level.

To truly mitigate and minimize hazardous impacts to Migratory Birds on the Pacific Flyway and in nearby wetlands and the San Francisco Bay, we suggest:

- 1) Please require Bird Safe Design for all glass surfaces.
- 2) Please require a Monitoring program, to detect any birds that may be tangled in the nets.

- 3) Please require an Educational program to educate employees and direct them 1) to avoid harassing birds that may come into the facility, and 2) to call the Department of Fish and Wildlife, a Crane Operator and Wildlife Rescue Services should a bird become tangled.
- 4) Please require the applicant to provide contracts with organizations that can on call; 4.1) Provide and operate a crane; and 4.2) Wildlife Rescue organization available to care for injured birds or wildlife on the Project site (we recommend the Peninsula Humane Society for this purpose). This requirement should apply during construction and operations.
- 5) Ensure that there is no light spillage beyond the active use area, and no up-lighting.

RESPONSE C – 1: The U.S. Fish and Wildlife Service (USFWS) Division of Migratory Bird Management has compiled a list of best practices and best available technologies to avoid and minimize bird/glass collisions. USFWS recommends the use of opaque, etched, or patterned glass that meets the suggested pattern divisions, and recommends keeping the percentage of total glass on buildings below 40 percent of surface area. As stated on page 63 of the IS/MND, the proposed project would avoid the overuse of glass by keeping the percentage of total glass below 40 percent of surface area; the north-facing and west-facing, side facades do not include any glazing and the south-facing, main façade includes less than 15 percent glazing. In addition, the project would not use reflective glass but would include patterned glass to help birds detect and avoid the windows.

A Biological Resources Assessment (BRA) was completed for the proposed project by First Carbon Solutions, in addition to a peer review of the BRA and supplemental avian monitoring surveys completed on-site, at four other golf courses with similar environmental conditions, and at the Topgolf Roseville facility by H.T. Harvey & Associates. The BRA, peer review, and avian monitoring surveys were included in Appendix C of the IS/MND. As stated in Section 4.4 Biological Resources of the IS/MND, the BRA and avian monitoring surveys found that some bird collisions could occur due to the proposed 205-foot tall net poles surrounding the facility. As such, a Monitoring and Adaptive Management Plan was proposed by the project and is detailed in Section 3.0 Project Description of the IS/MND. The Monitoring and Adaptive Management Plan, detailed in the project description, requires bird-netting collision surveys to be performed seven days per week for two years by Topgolf facility personnel who have received training in such monitoring by a qualified biologist. Additionally, bird-netting interaction monitoring would be performed for two consecutive days, twice per month, in April, September, and either December or January (coinciding with spring and fall migration and winter seasons) for two years by a qualified biologist. The Monitoring and Adaptive Management Plan also details specific training, education, and survey procedures which would be required of all personnel that would complete the monitoring.

The Monitoring and Adaptive Management Plan includes procedures to be followed in the event that injured or dead birds are encountered on-site. If an injured bird is found, the monitor or facility personnel would contact the local animal control, which is the Peninsula Humane Society. The contact information for the Peninsula Humane Society is included in the Monitoring and Adaptive Management Plan. The plan also provides procedures to be followed if a bird is stuck high in the net; facility personnel shall work with crane operators and bird rehabilitation organizations to remove the injured animal and provide treatment, as

necessary. As a condition of project approval, the project applicant would provide a letter of intent with local crane operators to the City prior to final inspection.

The project does not propose any up-lighting in landscape areas or elsewhere. The outfield lighting would be directed downwards and the light from the HD screens at the end of the outfield would be projected horizontally towards the proposed facility and the U.S. 101. A photometric study was completed for the project which analyzed potential spill light resulting from project lighting sources. As stated on page 37 of the IS/MND, the study found that negligible amounts of spill light would occur at the property boundaries.