City of Burlingame

Mitigated Negative Declaration, Commercial Design Review, and Conditional Use Permits for New 8-Story Office/Research & Development Building and Parking Garage

Item No. 8d
Regular Action Item

Address: 567 Airport Boulevard **Meeting Date:** October 25, 2021

Request: Application for Mitigated Negative Declaration, Commercial Design Review, and Conditional Use Permits for floor area ratio and building height for a new, eight-story office/research and development building and parking garage.

Applicant and Property Owner: Peninsula Owner, LLC **APN:** 026-363-590 and 026-363-470
Architect: DES Architects **Zoning:** AA (Anza Area)
General Plan: Bayfront Commercial **Lot Area:** 558,962 SF (12.832 acres)
Adjacent Development: Office buildings, Sanchez Channel and Burlingame Lagoon
CEQA Status: Refer to attached Mitigated Negative Declaration No. ND-609-P

Current Use: Office
Proposed Use: Office/Research & Development (retain two existing office buildings)
Allowable Use: Office, including research and development office with associated laboratories.

Project Summary: The project site has an address of 555-577 Airport Boulevard; the proposed Office/Research and Development (Office/R&D) building would have an address of 567 Airport Boulevard. The project site is located on Airport Boulevard, however the majority of the site is located behind three existing office buildings (on separate parcels) fronting Airport Boulevard (411, 433 and 533 Airport Boulevard). The subject site is comprised of 555 and 577 Airport Boulevard, as well as a leased parcel (State Land Commission) bordering the site along the Sanchez Channel and Burlingame Lagoon; the total site area measures 12.83 acres.

The project site is bordered by three existing adjacent office buildings at 411, 433 and 533 Airport Boulevard; Anza Parking (615 Airport Boulevard) is located to the west of the parcel; and the Sanchez Channel, Burlingame Lagoon, and the San Francisco Bay Conservation and Development Commission (BCDC) shoreline bands are located along the east and south sides of the site. Uses in the area include offices, office/life science uses, hotels and long-term airport parking uses.

The project site currently contains two multi-tenant office buildings (120,579 SF office building at 555 Airport Boulevard and 139,154 SF office building at 577 Airport Boulevard), surface level parking and landscaping. The existing office buildings will be retained. The project plans show a parcelization which would create two parcels (Parcels 1 and 2) for ownership/management purposes. However, for review of development standards, the review is based on one parcel since it will continue to function as one parcel (e.g., parking, vehicular access, etc.).

The proposed project consists of constructing a new eight-story, 241,679 SF Office/R&D building and a six-level parking garage. The garage will contain five levels of covered parking with the sixth level being open to the sky. The applicant notes that the proposed density and floor plate size is intended to allow tenant flexibility, particularly focused on life science and information technology. At this time a tenant has not been determined. The new parking garage and existing surface level parking spaces would provide parking for all three buildings on the site. The total building area on site (existing and new buildings) would increase to 501,412 SF. The proposed project also includes the following improvements:

- New surface parking area and access driveways.
- New service / trash enclosures, and truck parking area. The existing trash enclosure next to the bay trail will be demolished.
- New landscaped promenades connecting all three buildings and parking garage.

- New landscaped open space and paved plaza on the south and east side of the new building.
- New stormwater treatment areas connecting to existing pump and outfall to Burlingame Lagoon.
- New and re-located site utilities and equipment supporting the buildings.

The following applications are requested for this project:

- Environmental Review in accordance with CEQA; Initial Study/Mitigated Negative Declaration; a determination that with mitigation measures there will be no significant environmental effects as a result of this project;

- Commercial Design Review for construction of a new 8-story, office/research and development building and parking garage (Code Sections 25.47.060 and 25.57.010(c));

- Conditional Use Permit for Floor Area Ratio greater than 0.6 FAR (0.9 FAR proposed) (C.S. 25.47.040 (a)); and

- Conditional Use Permit for Building Height (133'-0", 8 stories proposed to the top of the office building and 65'-0", 6 levels proposed to the top of the parking structure, where 65'-0" or 5 stories, whichever is less, is the maximum allowed) (C.S. 25.47.025 (l)).

A total of 1,520 on-site parking spaces would be provided in surface level parking and in a proposed six-level parking garage, and would serve to provide parking for all three buildings on the site. The top (or sixth level) of the parking garage would be open. There would be 376 parking spaces provided in open surface parking areas throughout the site and 1,144 parking spaces in the proposed parking garage. All of the parking spaces provided would be independently accessible and are code compliant (see Off-Street Parking section for additional details).

The Bay Trail, seating nodes, mature trees and vegetation currently exist along the shoreline. The project intends to maintain public access to the BCDC shoreline during and after construction, including the Bay Trail and 15 public Bay Trail access parking spaces. The Bay Trail, vegetation, and other amenities within the BCDC shoreline bands would not be altered. During construction, the parking areas along Burlingame Lagoon and Sanchez Channel will be fenced off. The 15 public access parking spaces will be relocated temporarily during construction (still close to the Bay Trail) and will be restored back to existing location afterwards.

For a more detailed description of the proposed project, please refer to the attached Project Description submitted by the applicant, dated November 12, 2020.

November 23, 2020 Planning Commission Environmental Scoping and Design Review Study Meeting: This project was reviewed by the Planning Commission for Environmental Scoping and Design Review Study on November 23, 2020. Please refer to the attached November 23, 2020 Planning Commission Meeting Minutes for a complete list of comments and concerns expressed by the Planning Commission and the public.

The architect submitted a response letter, dated September 17, 2021, and revised plans and graphics package, date stamped September 30, 2021, to address the Commission's comments. Please refer to the applicant's letter for a detailed discussion of the changes made to the project since the initial design review study meeting, which also includes a summary of changes initiated by the property owner.

Informational Meeting: The applicant held an Informational Meeting via Zoom on November 10, 2020, where they provided an overview of the project and answered questions. Information about the meeting was included in the Burlingame eNews digital newsletter and was also sent to persons on the project interest list.

The following table provides a summary of the project's compliance with the AA District development standards.

567 Airport Boulevard
Lot Area: 558,962 SF (12.832 acres) **Plans date stamped:** September 30, 2021

	Proposed	**Allowed/Required**
Use and Floor Area Ratio:	Office/R&D 0.9 FAR [1] 501,412 SF Total (120,579 SF (e) office at 555 Airport) (139,154 SF (e) office at 577 Airport) (241,679 SF new office/R&D at 567 Airport Blvd)	Office/R&D 0.6 FAR 335,377 SF
SETBACKS:		
Front:	277'-7" to building Parking structure is not adjacent to front property line	30'-0" for 1st two stories/ 40'-0" for above two stories
Left Side:	410'-0" to building 235'-0" to parking structure	10'-0"
Right Side:	340'-0" to building 10'-0" to parking structure from interior property line	10'
Rear:	142'-0" to building 342'-0" to parking structure	25'-0"
Shoreline Setback:	Complies	Average of 65' between structure & shoreline
(Burlingame Lagoon):	142'-0" to building 342'-0" to parking structure	
(Sanchez Channel):	410'-0" to building 235'-0" to parking structure	

[1] Conditional Use Permit for Floor Area Ratio greater than 0.6 FAR (0.9 FAR proposed) (Code Section 25.47.040 (a)).

Table continued on next page.

567 Airport Boulevard
Lot Area: 558,962 SF (12.832 acres) **Plans date stamped:** September 30, 2021

	Proposed	Allowed/Required
BUILDING ENVELOPE:		
Lot Coverage:	25% 141,891 SF	35% 195,636 SF
Building Height:	133'-0" (8 stories) to top of building parapet [2] 65'-0" (6 levels) to top of parking structure [2]	65' or 5 stories - whichever is less CUP required for heights exceeding this limit
View Corridor:	56% unblocked	50% unblocked
OFF-STREET PARKING:		
Number of Parking Spaces:	1505 spaces for office buildings + 15 public access spaces **1,520 total spaces**	1,672 spaces based on 1:300 SF ratio ——— 1,520 spaces based on reduction by implementation of TDM Plan (3 cars per 1:1000 SF or 1:330 SF ratio)
Clear Back-up Space:	24'-0" or greater	24'-0"
Parking Space Dimensions:	8'-6" x 18'-0" (standard) 8'-0" x 17'-0" (compact)	8'-6" x 18'-0" (standard) 8'-0" x 17'-0" (compact)
LANDSCAPING		
Total Site Landscaping:	35%	15%
Front Setback Landscaping:	69%	60%
Parking Areas:	11.7%	10%
Trash Enclosure/Truck Loading Access:	Located between 567 and 577 Airport Blvd buildings, is setback more than 100' from the shoreline	Must be located at sides or rear of building(s), must be setback at least 75' from rear property line, and not within 100' of the shoreline

[2] Conditional Use Permit for Building Height (133'-0" (8 stories) proposed to the top of the office building and 65'-0" (6 stories) proposed to the top of the parking structure, where 65'-0" or 5 stories, whichever is less, is the maximum allowed) (Code Section 25.47.025 (l)).

General Plan: In January 2019, the City adopted a new General Plan and certified the Environmental Impact Report (EIR). The General Plan designates this site as Bayfront Commercial. The Bayfront Commercial designation provides opportunities for both local and tourist commercial uses. Permitted uses include entertainment establishments, restaurants, hotels and motels, retail, and higher-intensity office uses. The proposed Office/R&D development would be consistent with those permitted under the Burlingame General Plan, as well as the Burlingame Municipal Code.

The General Plan includes various goals, policies, and implementation framework items pertaining to growth, development, design standards, and roadways and infrastructure in the city. The General Plan also includes a vision specific to the Bayfront. In addition to the existing land use designation and zoning, numerous policies have been adopted for the purpose of reducing environmental impacts. Overall the proposed Office/R&D project is consistent with General Plan goals and policies (see Section XI. Land Use and Planning on pages 3-78 through 3-91 of the Initial Study/Mitigated Negative Declaration for more information).

The City is in the process of reviewing a comprehensive update of the Zoning Code. The update is intended to provide better consistency between the General Plan and zoning regulations. Until the new Zoning Code is adopted, projects may submit planning applications under the existing zoning regulations (in this instance, the AA District regulations) provided the proposed project would be consistent with General Plan goals and policies.

Commercial Design Review: Commercial Design Review is required for new commercial buildings pursuant to Code Section 25.57.010(c)(1). Commercial Design Review was instituted for commercial projects in 2001 with the adoption of the Commercial Design Guidebook.

Materials proposed for the exterior of the Office/R&D building include pre-finish metal panels, fins, columns and rooftop screening, and metal sunshades and canopies. High-performance glazing is proposed for the exterior window system. The new Office/R&D building would be located between the two existing office buildings at 555 and 557 Airport Boulevard and behind the proposed parking garage.

Materials proposed for the exterior of the parking structure include painted concrete columns and spandrels, pre-finish metal panels, metal fins, metal wire mesh or perforated metal panels, cable railing, and Low-E green/blue tinted vision glazing. The new six-level parking garage would be located behind the adjacent buildings at 433 and 533 Airport Boulevard and associated parking deck on the northwest side. The garage will contain five levels of covered parking with the sixth level being open to the sky. The parking structure is approximately 73 feet from the proposed office/R&D building and the top parking level is setback another 60 feet. There are two access points from the main campus driveway into the parking garage.

To better help visualize the proposed project, perspectives of the proposed project are provided in the Graphics Package submitted by the applicant, date stamped September 30, 2021. For additional information with respect to the proposed design approach, please refer to the Project Description submitted by the applicant (attached).

Floor Area Ratio – Request for Conditional Use Permit: Planning staff would note that the maximum FAR allowed under the adopted new General Plan is 3.0, so the proposed 0.9 FAR proposed on the site with this project is in compliance with the General Plan. In the AA District an application for a Conditional Use Permit is required for the proposed 0.9 FAR on the site (Conditional Use Permit required to exceed 0.6 FAR). Please refer to the attached Conditional Use Permit form completed by the applicant.

Building Height – Request for Conditional Use Permit: The maximum building height allowed by right in the AA District is 65'-0" or 5 stories. Code Section 25.47.025 (l) allows for projects with a structure over 65'-0" or 5 stories in height to apply for a Conditional Use Permit. The applicant is requesting a Conditional Use Permit for the Office/R&D building (133'-0" proposed to the top of the building) and parking six-level parking structure (65'-0" proposed to the top of the parking structure). Staff would note that the existing office buildings surrounding the project are five to eight stories in height. Please refer to the attached Conditional Use Permit form completed by the applicant.

In addition, the project must also comply with Federal Aviation Administration (FAA) standards. On January 8, 2021, the FAA issued an approval letter to the applicant that identified that an aeronautical study was prepared. This study found that the proposed structure would not exceed obstruction standards and would not be a hazard to air navigation. This FAA approval includes an expiration date of July 8, 2022, therefore staff has included a condition of approval requiring that the FAA letter on file with the City at the time of building permit issuance be current and renewed if necessary, dependent on the date that a building permit is issued for this project.

View Corridor: To provide a view corridor, the width of any structure or combined structures on a lot shall not obstruct more than fifty (50) percent of the street frontages. This is an irregularly-shaped lot with three segments of street frontages along Airport Boulevard, two of which serve as driveway access points from Airport Boulevard to the buildings on the site. The applicant submitted a diagram on sheet A3.2 showing the proposed building and the view corridor calculation. Based on the project's street frontage on Airport Boulevard, the proposed project would comply with this requirement by preserving 56% of the view corridor. The Initial Study/Mitigated Negative Declaration for the Project included an analysis of the view corridor in Section I, Aesthetics (see page 3-7 and Figure 10).

Off-Street Parking/Transportation Demand Management (TDM) Plan: With the proposed project, there would be a total of 501,412 SF of office and office/R&D uses on the site (120,579 SF existing office building at 555 Airport Boulevard; 139,154 SF existing office building at 577 Airport Boulevard; and the proposed 241,679 SF office/R&D building at 567 Airport Boulevard). Code Section 25.70.040 requires 1 space per 300 SF for office uses, which would result in a total of 1,672 off-street parking spaces for all three buildings. In addition, 15 spaces must be provided for for public Bay Trail Access parking. In total, 1,687 parking spaces would be required. However, the required off-street parking may be reduced through implementation of a Transportation Demand Management Plan.

Krupka Consulting prepared a Transportation Demand Management Plan (TDM) for the proposed project (see attached TDM Plan, dated November 6, 2020). The purpose of the TDM Plan is to define specific TDM measures to be implemented by the Project to meet the City's TDM Program goal, which is: at least 20% of all employees regularly commute to work using modes other than single occupant vehicles (SOVs) or use an alternative work hour schedule. This would help to reduce traffic congestion, reduce greenhouse gas emissions and other air pollution, and reduce the demand for parking. Equally important with regard to purpose is C/CAG's (City/County of Associated Government) stipulation that local jurisdictions must require the developer and all subsequent tenants to reduce demand for all new peak hour trips projected to be generated by developments. C/CAG established several choices for local jurisdictions, including implementing TDM Programs that have the capacity to fully reduce the demand for new peak hour trips. Therefore, the purpose of the TDM Plan was expanded to address the C/CAG requirement.

With this application, the applicant is proposing a total of 1,505 parking spaces for the office buildings and 15 required public Bay Trail access spaces, for a total of 1,520 parking spaces. This equates to a ratio of 1 space per 330 SF (or 3 cars per 1,000 SF). This is accomplished through implementation of the TDM Plan, which would reduce the parking demand by 20%, which in this case would be 1,338 parking spaces plus 15 public

Bay Trail access parking spaces. With the proposed project, 167 additional parking spaces are provided than would be allowed with the TDM Plan (1,505 – 1,338 = 167 spaces). Implementation of a TDM Plan is consistent with General Plan Policies M-7.5 (allowing creative parking approaches) and M-7.6 (reduction in parking demand through travel options programs such as parking cash-out and other TDM strategies), therefore a Variance for reduced parking is not required.

There would be 376 parking spaces provided in open surface parking areas throughout the site and 1,144 parking spaces in the proposed six-level parking garage. The 1,520 parking spaces provided would consist of 1,188 standard, 300 compact and 32 disabled-accessible spaces. Of those spaces, there would be 14 clear air vanpool, 31 electric vehicle and 13 electric-vehicle ready spaces as required by code. Bicycle parking for 41 bicycles would also be provided on-site (4 short-term and 37 long-term).

Proposed TDM measures are described in greater detail in the TDM Plan, but in summary they include the following:

- Bicycle Parking - The Project would include 41 bicycle parking spaces, with 37 Class I (secure) spaces in the bicycle enclosure on the first floor of the parking structure and 4 Class II spaces in 2 bike racks near building entries.

- Shower Facilities - The new building would include shower rooms for men and women on the first floor, with a total of eight shower stalls, to support employees who bicycle and walk to work or exercise during the day, or both.

- Dedicated peak period shuttle service to BART/Caltrain that serves at least 60 round trip riders during the peak hour. This would be provided through direct contract or shared arrangement with a shuttle service sponsored by another development or entity.

- Subsidized transit passes for at least 25% of employees with value of at least $20 per month per pass, or equivalent commuter benefit allowance or subsidy. This would be an employee benefit for the duration of employment and subject to change and customization to meet particular tenant conditions.

- Parking Management - The Project would include preferential parking of the following kinds:

  - Accessible (“ADA Stalls”) - 32 total stalls (6 van, 26 standard), located in the parking structure and adjacent to existing buildings.
  - Clean Air Vehicle - 14 stalls, located in the parking structure.
  - Electric Vehicle Charging - 45 total (32 equipped, 13 ready), located in the parking structure and adjacent to the new building.
  - Bay access stalls (“BCDC Stalls) - 15 stalls located adjacent to the Bay Trail - 45 EV parking (32 installed)

Evaluating the performance and success of the TDM plans is essential to ensure TDM measures are implemented and effective. The TDM will require regular monitoring and reporting to ensure that tenants are in compliance. The TDM Plan includes a monitoring and reporting plan that consists of an annual survey of employees and preparation of an annual report (see conditions of approval 11-15).

A Transportation Impact Analysis (TIA) was prepared for the project by TJKM in March 2021, and revised in September 2021 (see attached). The purpose of the report is to evaluate the project’s traffic impacts to the surrounding transportation system pursuant to requirements under CEQA. The TIA describes existing and

future conditions related to transportation with and without the proposed project. In addition, the TIA includes information on regional and local roadway networks, pedestrian and transit conditions, and transportation facilities associated with the project. Based on the environmental analysis, it was determined that the proposed project would have no adverse impacts on transportation, and therefore no mitigation measures were required.

Landscaping: Proposed landscaping throughout the site is shown on the Landscape Plans (refer to sheets L1.1 through L5). In their Project Description, the applicant notes the following:

"The landscape design incorporates the preservation of 148 existing trees on-site and adds 251 new trees. The outdoor program incorporates flex amenity spaces adjacent to each building and ties the landscape together with the use of similar plant material, hardscape geometry, and paving materials. The generous amount of open space at the southern exposure adjacent to the new building provides ample opportunity for outdoor amenities. It provides an overlook to capitalize on the lagoon and hill views as well as provides a variety of seating, dining opportunities, and lawn games. The plant palette is derived from a combination of drought tolerant native and adaptive plants which have a high success rate in this part of Burlingame. They are located on the site to maximize on microclimate factors such as sun exposure, shade, wind, etc. The plant palette is coordinated with C3 treatment measures such as bio-retention areas, such that the bio-retention areas fit seamlessly within the landscape design."

The AA District standards required that 15% of the site be landscaped. The project proposes 35% site landscaping and therefore complies with the site landscaping requirements. Within the parking area, 10% of the area is required to contain landscaping (11.7% proposed). Lastly, 80% of the front setback is required to be landscaped. The existing front setback landscaping is nonconforming, with only 69% of the front setback containing landscaping; there are no changes proposed to the landscaping areas within the front setback. Based on the unique configuration of the lot, much of the front setback areas consists of driveways that provide access to the buildings on the site.

Public Facilities Impact Fees: The purpose of public facilities impact fees is to provide funding for necessary maintenance and improvements created by development projects. Public facilities impact fees are based on the uses and the amount of square footage to be located on the property after completion of the development project. The Streets and Traffic impact fee is not assessed because it is addressed with the Bayfront Development Fee (below).

Based on the proposed Office/R&D building, the required public facilities impact fees for this development project total $562,145.35 and is required to be paid in full, prior to issuance of the building permit.

Commercial Linkage Fees: Commercial Linkage Fees are based on the land use and square footage for new commercial development projects. The intent of this fee is, in summary, to offset the demand for affordable housing that is created by new development and mitigate environmental and other impacts that accompany new commercial development. These fee calculations include gross square feet of floor area, excluding enclosed parking areas. In addition, the rates vary for prevailing wage and non-prevailing wage for labor used for the construction of the project. The fees for office uses are charged per square feet ($20.00 per SF if utilizing prevailing wages or $25.00 per SF if not utilizing prevailing wages). Based on the proposed Office/R&D building, the required Commercial Linkage Fee for this development project totals $4,833,580 (with prevailing wages) or $6,041,975 (without prevailing wages) and is required to be paid in full, prior to issuance of the building permit.

Bayfront Development Fees: The purpose of Bayfront Development Fees is to provide funding for future construction, improvement and enlargement of major arterials and traffic control devices for the primary purpose of carrying through traffic and providing a network of roads within the Bayfront area on the east side of US 101 and to impose charges to support and defer the cost of the benefits rendered to owners and occupants of lands enjoying these improvements.

The fees for office uses are charged per thousand square feet ($2,781 per thousand square feet), and based on the proposed Office/R&D building, the Bayfront Development fees for this development project total $672,109.30. Half of this fee is required to be paid prior to issuance of the building permit and the second half of the fee is required to be paid prior to scheduling the final inspection.

Environmental Review: The project requires discretionary review under the City's Zoning Regulations and is therefore subject to review pursuant to the California Environmental Quality Act (CEQA). Environmental review is required because the proposed project includes a new commercial building that exceeds 10,000 square feet in floor area and does not qualify for any exemption.

On November 23, 2020, the Planning Commission held an Environmental Scoping and Design Review Study Meeting where the Planning Commission provided comments on potential environmental effects to be considered in the CEQA document. An Initial Study/Mitigated Negative Declaration (IS/MND) for the project was prepared by ICF, the environmental/CEQA consultant for the project, and determined that there were no environmental impacts that were identified that could not be mitigated to less than significant levels (see attached IS/MND).

Based on the environmental analysis, it was determined that the proposed project would have no adverse impacts on the environmental in the areas of aesthetics, agriculture and forestry, energy, greenhouse gas emissions, hazards/hazardous materials, hydrology/water quality, land use/planning, mineral resources, population/housing, public services, recreation, transportation, utilities and service systems, and wildfire. Although the environmental analysis did find that the project could have a significant effect in the areas of air quality, biological resources, cultural resources, geology/soils, noise, and tribal cultural resources, mitigation measures were identified to reduce adverse impacts to acceptable level.

The 30-day public review period for the IS/MND occurred from June 28, 2021 to July 29, 2021. The City received comment letters during the public comment period from the California Department of Transportation (dated July 28, 2021), the City of San Mateo (dated July 29, 2021), and the Law Offices of Charles S. Bronitsky (dated July 29, 2021). A Response to Comments document (attached) has been prepared by ICF to formally address each comment contained in these letters.

Based upon review of the comments received during the public circulation period, there is no evidence to indicate that implementation of the project, including the proposed mitigation measures, would result in a significant environmental impact under CEQA. Furthermore, based on the comments certain text revisions to the IS/MND were included. The text revisions clarify, expand, or update information presented in the IS/MND. The revised text does not provide new information that would result in any new significant impact or any substantial increase in the severity of an impact identified in the IS/MND, therefore recirculation of the IS/MND is not required.

The Initial Study/Mitigated Negative Declaration (ND-609-P) is attached for reference. The mitigation measures in the Initial Study/ Mitigated Negative Declaration have been incorporated into the recommended conditions of approval (in italics).

Staff Comments: See attached comments from the Building, Fire, Engineering, Parks, and Stormwater Divisions. Staff would note that the applicant is currently working with the Fire Division to address their remaining comments.

Design Review: The criteria for design review in the Anza Area is detailed in Code Section 25.47.052 and requires the proposed project to be reviewed by the Planning Commission for the following considerations:

1. Support of the pattern of diverse architectural styles as defined in the design guidelines for the Anza subarea and the role of the shoreline in creating a network of interconnected open spaces; and

2. Respect and promotion of the streetscape by the placement of buildings to maximize the commercial use of the street frontage, off-street public spaces, and by locating parking so that it does not dominate street frontages, and for properties with any water frontage, that the design is sensitive to the surrounding bodies of water, physical and visual presence of the Bay Trail, and the orientation of the prevailing winds; and

3. On visually prominent sites and sites with shoreline as defined by the Bay Conservation and Development Commission, the design shall fit the site, support the Bay Trail and its park and recreational uses, provide for maximum user access and support recreational use by those who work in the area as well as those who visit; and the design fits the site and is compatible with the surrounding development and consistent with the design guidelines for the Anza subarea; and

4. Compatibility of the architecture and landscaping with the design guidelines for the Anza subarea including materials used in existing development, location and use of plant materials, and compatibility with transitions where changes in land use occur nearby; and

5. Architectural design consistency by using a single architectural style on the lot that is consistent among primary elements of the structure(s) and with the directives of the design guidelines for the Anza subarea; and

6. Provision of site features identified in the design guidelines such as orientation to minimize wind obstruction on San Francisco Bay, protection of the Bay environment, and landscaping and pedestrian circulation which enriches and enhances the existing recreation opportunities of the area, including extension of the Bay Trail as well as the commercial neighborhood.

Suggested Findings for Design Review: The project may be found to be compatible with the requirements of the City's criteria for design review based on the following:

- That the proposed building and parking garage, setback 142 feet and 342 feet from the property line adjacent to the Burlingame Lagoon, respectively, maintains accessibility to the existing Bay Trail along the shoreline, retains the network of interconnected open spaces in the Anza Area, and continues to provide for maximum user access and supports recreational use by those who work in the area as well as those who visit;

- That the proposed building and parking garage, located more than 200 feet from Airport Boulevard, are placed on the property so as not to dominate the street frontage; and that the proposed building and parking garage, setback 142 feet and 342 feet from the property line adjacent to the Burlingame Lagoon, respectively, provide ample open space to the Burlingame Lagoon and Bay Trail;

- That the proposed project includes a variety of materials, finishes, and architectural treatments, designed in such a way that is compatible with the surroundings, including pre-finish metal panels, fins, columns, rooftop screening, metal sunshades and canopies, and high-performance glazing for the proposed Office/R&D building and painted concrete columns and spandrels, pre-finish metal panels, metal fins, metal wire mesh or perforated metal panels, cable railing, and Low-E green/blue tinted vision glazing for the parking garage;

- that the site is surrounded by 5 to 8 story buildings and therefore would be compatible with the mass and bulk of buildings in the area; that the project's parking garage is located behind an existing 5-story building and therefore would be screened from Airport Boulevard; and

- that proposed landscaping on the site, including retaining 148 existing trees on-site and adding 251 new trees, is designed in such a way that it enhances and creates a buffer with Burlingame Lagoon.

Findings for a Conditional Use Permit: In order to grant a Conditional Use Permit, the Planning Commission must find that the following conditions exist on the property (Code Section 25.52.020, a-c):

(a) The proposed use, at the proposed location, will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare or convenience;

(b) The proposed use will be located and conducted in a manner in accord with the Burlingame general plan and the purposes of this title;

(c) The planning commission may impose such reasonable conditions or restrictions as it deems necessary to secure the purposes of this title and to assure operation of the use in a manner compatible with the aesthetics, mass, bulk and character of existing and potential uses on adjoining properties in the general vicinity.

Suggested Findings for a Conditional Use Permit for Floor Area Ratio: The project may be found to be compatible with the requirements of the City's criteria for a conditional use permit based on the following:

- That the floor area ratio (FAR) of 0.9 proposed on the site (including the two existing commercial buildings on the site), although greater than 0.6 FAR allowed currently in the Zoning Code, is significantly less than and in compliance with the maximum allowed FAR of 3.0 under the adopted new General Plan, and therefore will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare or convenience, since it is well articulated with substantial recesses and will be compatible with buildings in the area that are five to eight stories in height;

- That the proposed commercial use, at the proposed FAR of 0.9, will be located and conducted in a manner in accord with the Burlingame general plan and the purposes of this title; and

- That reasonable conditions are proposed to assure operation of the use in a manner compatible with the aesthetics, mass, bulk and character of existing and potential uses on adjoining properties in the general vicinity.

Suggested Findings for a Conditional Use Permit for Building Height: The project may be found to be compatible with the requirements of the City's criteria for a conditional use permit based on the following:

- That the proposed eight-story building, measuring 133'-0" in height and the proposed six-level parking garage, measuring 65'-0" in height, at the proposed locations, will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare or convenience, since it is well articulated with substantial recesses and will be compatible with buildings in the area that are five to eight stories in height;

- That the proposed commercial use will be located and conducted in a manner in accord with the Burlingame general plan and the purposes of this title; and

- That reasonable conditions are proposed to assure operation of the use in a manner compatible with the aesthetics, mass, bulk and character of existing and potential uses on adjoining properties in the general vicinity.

Findings for a Mitigated Negative Declaration: For CEQA requirements the Planning Commission must review and approve the Mitigated Negative Declaration, finding that on the basis of the Initial Study and any comments received in writing or at the public hearing that there is no substantial evidence that the project will have a significant (negative) effect on the environment.

Suggested Findings for Mitigated Negative Declaration: In accordance with Section 15063(d) of the CEQA Guidelines, the environmental analysis in the Initial Study was conducted to determine if there were any project-specific effects that are peculiar to the project or its site. Based on the environmental analysis, it was determined that the proposed project would have no adverse impacts on the environmental in the areas of aesthetics, agriculture and forestry, energy, greenhouse gas emissions, hazards/hazardous materials, hydrology/water quality, land use/planning, mineral resources, population/housing, public services, recreation, transportation, utilities and service systems, and wildfire. Although the environmental analysis did find that the project could have a significant effect in the areas of air quality, biological resources, cultural resources, geology/soils, noise, and tribal cultural resources, mitigation measures were identified to reduce adverse impacts to acceptable level. Therefore, based on the Initial Study there will be no significant environmental effects as a result of this project.

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

- Environmental Review in accordance with CEQA; Initial Study/Mitigated Negative Declaration.

- Commercial Design Review.

- Conditional Use Permit for Floor Area Ratio.

- Conditional Use Permit for Building Height.

Please note that the conditions below include mitigation measures taken from the IS/MND (shown in italics). The mitigation measures are included below in italics as part of the conditions of approval. The mitigations will be placed on the building permit as well as recorded with the property and constitute the mitigation monitoring plan for this project. At the public hearing the following mitigation measures and conditions should be considered:

1. that the project shall be built as shown on the plans submitted to the Planning Division date stamped September 30, 2021, sheets A1 through A11.1, C1.0 through C5.0, L1 through L5, and LT-1 through LT-2B; and that the maximum elevation at the top of the building parapet shall not exceed elevation 145.00 feet as shown on the plans;

2. that prior to issuance of a building permit for construction of the project, the project construction plans shall be modified to include a cover sheet listing all conditions of approval adopted by the Planning Commission, or City Council on appeal; which shall remain a part of all sets of approved plans throughout the construction process. Compliance with all conditions of approval is required; the conditions of approval shall not be modified or changed without the approval of the Planning Commission, or City Council on appeal;

3. that any changes to the size or envelope of building, which would include changing or adding exterior walls or parapet walls, or changes to building materials, exterior finishes, windows, architectural features, roof height or pitch, and amount or type of hardscape materials shall be subject to Planning Division or Planning Commission review (FYI or amendment to be determined by Planning staff);

4. that the conditions of the Building Division's September 21 and May 19, 2020 memos, the Fire Division's November 3, October 7, and June 20, 2020 memos, the Engineering Division's October 19 and May 19, 2020 memos, the Parks Division's October 7 and May 28, 2020 memos, and the Stormwater Division's October 27, October 1 and May 27, 2020 memos shall be met;

5. that the applicant shall submit to the Department of Public Works, Engineering Division any required applications for a tentative and final parcel map for processing in conformance with the Subdivision Map Act;

6. that construction of the foundation systems for the building and parking garage shall not include pile driving;

7. that if the City determines that the structure interferes with City communications in the City, the property owner shall permit public safety communications equipment and a wireless access point for City communications to be located on the structure in a location to be agreed upon by the City and the property owner. The applicant shall provide an electrical supply source for use by the equipment. The applicant shall permit authorized representatives of the City to gain access to the equipment location for purposes of installation, maintenance, adjustment, and repair upon reasonable notice to the property owner or owner's successor in interest. This access and location agreement shall be recorded in terms that convey the intent and meaning of this condition;

8. that prior to issuance of a building permit for the project, the applicant shall pay the first half of the Bayfront Development fee in the amount of $336,054.65, made payable to the City of Burlingame and submitted to the Planning Division;

9. that prior to approval of final framing of the building, the applicant shall pay the second half of the Bayfront Development fee in the amount of $336,054.65, made payable to the City of Burlingame and submitted to the Planning Division;

10. that prior to issuance of a building permit for the project, the applicant shall pay the affordable housing commercial linkage fee in the amount of $4,833,580 (with prevailing wages) or $6,041,975 (without prevailing wages), made payable to the City of Burlingame and submitted to the Planning Division;

11. that prior to issuance of a building permit for the project, the applicant shall pay the Public Impact Fees in the amount of $562,145.35, made payable to the City of Burlingame and submitted to the Planning Division;

12. that the project shall include the Project Transportation Demand Management (TDM) Measures as proposed in the TDM Plan, prepared by Krupka Consulting, dated November 6, 2020;

13. that a TDM annual report shall be prepared by a qualified, independent consultant and paid for by the owner and submitted to the City of Burlingame annually; with the initial, or baseline, commute survey report to be conducted and submitted one (1) year after the granting of a certificate of occupancy for 75 percent or more of the project and annually after that;

14. that the TDM annual report shall provide information about the level of alternative mode-uses and in the event a 20 percent mode shift (i.e., proportion of occupants that use something other than a car to/from the subject property) towards alternative transportation is not met, the report shall explain how and why the goal has not been reached; in such a circumstance the annual report shall identify a work plan, to be approved by the City of Burlingame, which describes additional or alternative measures for implementation that would be necessary to enhance the TDM program to attain the TDM goal of 20 percent mode shift;

15. that the City may consider whether the employer/tenant has made a good faith effort to meet the TDM goals and may allow the owner a six-month “grace period” to implement additional TDM measures to achieve the 20 percent mobility mode shift;

16. that prior to the issuance of a certificate of occupancy, a covenant agreement shall be recorded with the San Mateo County Assessor and Recorder’s Office to provide constructive notice to all future owners of the property of any ongoing programmatic requirements that discloses the required Transportation Demand Management (TDM) provisions and any conditions of approval related herein to compliance and reporting for the TDM;

17. prior to issuance of a building permit for vertical construction, the project sponsor shall verify that the January 8, 2021, FAA determination of no hazard to air navigation for the project is still current and has not expired (July 8, 2022) and if expired a new FAA determination of no hazard to air navigation shall be submitted to the City of Burlingame prior to building permit issuance for vertical construction;

18. that a Protected Tree Removal Permit shall be required from the City of Burlingame Parks Division to remove any existing protected size trees on the subject property and that the project shall comply with the Tree Protection and Reforestation Ordinance adopted by the City of Burlingame and enforced by the Parks Department; complete landscape and irrigation plans shall be submitted at the time of building permit application for vertical construction and the street trees will be protected during construction as required by the City Arborist;

19. that the project shall comply with the Construction and Demolition Debris Recycling Ordinance which requires affected demolition, new construction and alteration projects to submit a Waste Reduction Plan and meet recycling requirements; any partial or full demolition of a structure, interior or exterior, shall require a demolition permit;

20. that demolition or removal of the existing structures and any grading or earth moving on the site shall not occur until a sitework permit has been issued and such site work shall be required to comply with all the regulations of the Bay Area Air Quality Management District;

21. that during construction, the applicant shall provide fencing (with a fabric screen or mesh) around the project site to ensure that all construction equipment, materials and debris is kept on site;

22. that storage of construction materials and equipment on the street or in the public right-of-way shall be prohibited;

23. that construction access routes shall be limited in order to prevent the tracking of dirt onto the public right-of-way, clean off-site paved areas and sidewalks using dry sweeping methods;

24. that the applicant shall prepare a construction staging and traffic control plan for the duration of construction for review and acceptance by the City Engineer prior to the issuance of a building permit for vertical construction; the construction staging plan shall include construction equipment parking, construction employee parking, timing and duration of various phases of construction and construction operations hours; the staging plan shall address public safety and shall ensure that worker's vehicles and construction equipment shall not be parked in public parking areas with exceptions for construction parking along the street frontages of the project site;

25. that the project applicant and its construction contractor(s) shall develop a construction management plan for review and approval by the City of Burlingame. The plan must include at least the following items and requirements to reduce, to the maximum extent feasible, traffic and parking congestion during construction:

    a. A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes;
    b. Identification of haul routes for movement of construction vehicles that would minimize impacts on motor vehicular, bicycle and pedestrian traffic, circulation and safety, and specifically to minimize impacts to the greatest extent possible on streets in the project area;
    c. Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures would occur;
    d. Provisions for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the project applicant; and
    e. Designation of a readily available contact person for construction activities who would be responsible for responding to any local complaints regarding traffic or parking. This coordinator would determine the cause of the complaint and, where necessary, would implement reasonable measures to correct the problem.

26. that if construction is done during the wet season (October 1 through April 30), that prior to construction during the wet season the developer shall implement a winterization program to minimize the potential for erosion and polluted runoff by inspecting, maintaining and cleaning all soil erosion and sediment control prior to, during, and immediately after each storm even; stabilizing disturbed soils throughout

temporary or permanent seeding, mulching matting, or tarping; rocking unpaved vehicle access to limit dispersion of mud onto public right-of-way; covering/tarping stored construction materials, fuels and other chemicals;

27. that trash enclosures and dumpster areas shall be covered and protected from roof and surface drainage and that if water cannot be diverted from these areas, a self-contained drainage system shall be provided that discharges to an interceptor;

28. that this project shall comply with the state-mandated water conservation program, and a complete Irrigation Water Management and Conservation Plan together with complete landscape and irrigation plans shall be provided at the time of building permit application for vertical construction;

29. that all site catch basins and drainage inlets flowing to the bay shall be stenciled. All catch basins shall be protected during construction to prevent debris from entering;

30. that the applicant shall comply with Ordinance 1503, the City of Burlingame Storm Water Management and Discharge Control Ordinance;

31. that this project shall comply with Ordinance No. 1477, Exterior Illumination Ordinance;

32. that the project shall meet all the requirements of the California Building and Uniform Fire Codes, as amended by the City of Burlingame;

The following five (5) conditions shall be met during the Building Inspection process prior to the inspections noted in each condition:

33. that prior to scheduling the foundation inspection a licensed surveyor shall locate the property corners, and set the building envelope;

34. that prior to the underfloor frame inspection the surveyor shall certify the first floor elevation of the new structure;

35. that prior to scheduling the framing inspection, the project architect, engineer or other licensed professional shall provide architectural certification that the architectural details such as window locations and bays are built as shown on the approved plans; if there is no licensed professional involved in the project, the property owner or contractor shall provide the certification under penalty of perjury. Certifications shall be submitted to the Building Division;

36. that prior to scheduling the roof deck inspection, a licensed surveyor shall shoot the height of the roof parapet and provide certification of that height to the Building Division;

37. that prior to final inspection, Planning Division staff will inspect and note compliance of the architectural details (trim materials, window type, etc.) to verify that the project has been built according to the approved Planning and Building plans;

Mitigation Measures from Initial Study

Air Quality

38. The Project Sponsor shall ensure that all off-road diesel-powered equipment greater than 50 horsepower used during construction is equipped with engines that meet EPA Tier 4 Final emission standards.

Biological Resources

39. The Project Sponsor shall protect nesting birds and their nests during construction through implementation of the following measures:

a. Construction shall avoid the avian nesting period (February 1 through August 31) to the extent feasible.

b. If construction occurs during the bird nesting season, a qualified wildlife biologist shall conduct a nesting bird preconstruction survey within 7 days prior to the start of construction at areas that have not been previously disturbed by Project activities or after any construction breaks of 10 days or more. The survey shall be performed within a radius of 100 feet and 500 feet of the construction area to locate any active nests of passerine and raptor (including peregrine falcon) species, respectively, and shall be in those areas that constitute suitable habitat for the species.*

c. If active nests are located during the preconstruction nesting bird survey, a qualified biologist shall determine if the schedule of construction activities could affect active nests; if so, the following measures shall apply:

i. If the qualified biologist determines that construction is not likely to affect an active nest, construction may proceed without restriction; however, a qualified biologist shall regularly monitor the nest at a frequency determined appropriate for the surrounding construction activity to confirm there is no adverse effect. Spot-check monitoring frequency shall be determined on a nest-by-nest basis, considering the particular construction activity, duration, proximity to the nest, and physical barriers that may screen activity from the nest.

ii. If it is determined that construction may cause a direct impact or abandonment of an active nest, the qualified biologist shall establish a no-disturbance buffer around the nest(s), and all Project work shall halt within the buffer to avoid disturbance or destruction until a qualified biologist determines that the nest is no longer active. Typically, buffer distances are a minimum of 50 feet for passerines, 250 feet for raptors, and 500 feet for peregrine falcons; however, the buffers may be decreased if an obstruction, such as a building, is within the line of sight between the nest and construction.

iii. Modifying nest buffer distances, allowing certain construction activities within the buffer, and/or modifying construction methods in proximity to active nests shall be approved by the qualified biologist and in compliance with the California Fish and Game Code and other applicable laws.

iv. *Any work that must occur within established no-disturbance buffers around active nests shall be monitored by a qualified biologist. If adverse effects in response to Project work within the buffer are observed and could compromise the nest, work within the no-disturbance buffer(s) shall halt until the nest occupants have fledged.*

v. *Any birds that begin nesting within the Project site and survey buffers amid construction activities are assumed to be habituated to construction-related or similar noise and disturbance levels. Work may proceed around these active nests, subject to the measure above that begins with "Modifying nest buffer distances…"*

40. *The Project Sponsor shall protect bats during construction by implementation of the following measures:*

a. *A qualified wildlife biologist (i.e., experienced with roosting habitats in trees and the life histories of local bats) shall examine trees for suitable bat roosting habitat (e.g., large tree cavities, basal hollows, loose or peeling bark, large snags, palm trees with intact thatch) prior to removal or trimming. Trees that provide suitable or potentially suitable bat habitat shall be flagged and identified as habitat. Because of the limited timeframe for tree removal (September 15 to October 31), the tree habitat assessment should be conducted early to provide information for tree removal planning. Riparian woodlands, orchards, and stands of mature broadleaf trees are considered potential habitat for solitary foliage-roosting bat species. Because signs of bat use are not easily found, and because trees cannot be completely surveyed for bat roosts, the protective measures listed below shall be implemented for trees that contain potential roosting habitat.*

b. *Removal or disturbance of trees that provide bat roosting habitat shall be avoided between April 1 and September 15 (the maternity period) to avoid effects on pregnant females and active maternity roosts (whether colonial or solitary).*

c. *Removal of trees providing bat roosting habitat shall be conducted between September 15 and October 31, which corresponds to the time period when bats have not yet entered torpor or begun caring for nonvolant young.*

d. *If a maternity roost is found, whether solitary or colonial, that roost shall remain undisturbed until September 15 or until a qualified biologist has determined that the roost is no longer active. The qualified biologist shall determine the extent of suitable no-work buffers around roost and/or hibernaculum sites. Buffer distances may vary, depending on the species and activities being conducted.*

i. *Removal of trees (September 15 to October 31) that provide suitable roosting habitat shall be monitored by qualified biologists. Trees that provide suitable habitat for bats shall be trimmed and/or removed in a two-phase removal process conducted over two consecutive days. In the afternoon on the first day, limbs and branches shall be removed by a tree cutter, using chainsaws only. Limbs with cavities, crevices, or deep bark fissures shall be avoided, and only branches or limbs without those features shall be removed. On the second day, the entire tree shall be removed. Biologists shall search downed vegetation for dead and injured bats. The presence of dead or injured bats that are species of special concern shall be reported to CDFW. The biologist shall prepare a biological monitoring report, which shall be provided to the Project lead, sponsor, and CDFW.*

The loss of occupied roosting habitat shall be mitigated by constructing and/or installing suitable replacement habitat on the Project site. Suitable replacement habitat could include a bat house mounted on a pole or on the side of a building or structure at least 10 feet off the ground to protect it from predators. Bat houses are usually made of wood or a combination of wood and other materials (e.g., metal and plastic) and vary in size. Bat Conservation International recommends that bat houses be at least 24 inches high and 16 inches wide. Existing and new buildings as well as landscaped areas on the Project site afford ample opportunities for placement of a bat house.

Placement and installation methods for replacement habitat shall be designed so as not to affect riparian habitats or other sensitive natural communities or state or federally protected wetlands. In addition, the installation of replacement habitat shall avoid the avian nesting period (February 1 through August 31) to the extent feasible. If not, Mitigation Measure BIO-1 shall be implemented prior to installation. A roosting habitat design and monitoring plan shall be developed in coordination with CDFW. The roosting habitat shall be monitored to ensure it functions as intended.

41. *The applicant, or contractor, shall implement the following measures to minimize hazards for birds:*

    a. *Reduce large areas of transparent or reflective glass;*

    b. *Locate water features, trees, and bird habitat away from building exteriors to reduce reflection;*

    c. *Reduce or eliminate the visibility of landscaped areas behind glass;*

    d. *Turn non-emergency lighting off at night, especially during bird migration season (February–May and August–November);*

    e. *Include window coverings that adequately block light transmission from rooms where interior lighting is used at night and install motion sensors or controls to extinguish lights in unoccupied spaces; and*

    f. *Design and/or install light fixtures that minimize light pollution, including light trespass, over-illumination, glare, light clutter, and skyglow, and use bird-friendly colors for lighting when possible. The City of San Francisco's Standards for Bird-safe Buildings provides an overview of building design and lighting guidelines to minimize bird/building collisions that could be used to guide the applicant.*

Cultural Resources

42. *The applicant shall retain a professional archaeologist to provide a preconstruction briefing to supervisory personnel of any excavation contractor and alert them to the possibility of exposing significant prehistoric archaeological resources within the Project site. During the briefing, the archaeologist shall discuss archaeological objects that could be exposed, the need to stop excavation at the site of the discovery, and the procedures to follow regarding protection of the discovery and notification of the Project Sponsor and archaeological team. An "Alert Sheet" shall be posted in conspicuous locations at the Project site to alert personnel to the procedures and protocols to follow regarding the discovery of potentially significant prehistoric archaeological resources.*

In the event that archaeological resources are encountered during construction, work shall halt within at least 100 feet of the discovery and the area avoided until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations. If the find is determined to be potentially significant, the archaeologist, in consultation with the Native American representative, shall develop a treatment plan, which could include site avoidance, capping, or data recovery.

43. *If human remains are unearthed during construction, pursuant to Section 50977.98 of the Public Resources Code and Section 7050.5 of the State Health and Safety Code, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains. The county coroner shall be informed to evaluate the nature of the remains. If the remains are determined to be of Native American origin, the Lead Agency shall work with the NAHC and the Project Sponsor to develop an agreement for treating or disposing of the human remains.*

Geology/Soils

44. *In areas containing Middle to Late Pleistocene–era sediments where it is unknown if paleontological resources exist, prior to grading, an assessment shall be made by a qualified paleontological professional to establish the need for paleontological monitoring. Should paleontological monitoring be required after recommendation by the professional paleontologist and approval by the Community Development Director, paleontological monitoring shall be implemented.*

Noise

45. *Best practices to minimize construction noise include the following:*

    a. *Limiting heavy equipment use to daytime hours not regulated by the City (i.e., between 8:00 a.m. and 7:00 p.m. Monday to Friday and 9:00 a.m. to 6:00 p.m. on Saturday);*

    b. *Locating stationary equipment (e.g., generators, pumps, cement mixers, idling trucks) as far as practical from noise-sensitive land uses;*

    c. *Requiring that all construction equipment powered by gasoline or diesel engines have sound-control devices such as exhaust mufflers that are at least as effective as those originally provided by the manufacturer and that all equipment be operated and maintained to minimize noise generation;*

    d. *Using equipment powered by electric motors instead of gasoline or diesel-powered engines;*

    e. *Preventing excessive noise by shutting down idle vehicles or equipment;*

    f. *Using noise-reducing enclosures around noise-generating equipment;*

    g. *Constructing barriers between noise sources and noise-sensitive land uses or taking advantage of existing barrier features (e.g., buildings) to block sound transmission to noise-sensitive land uses (the barriers should be designed to obstruct the line-of-sight between the noise-sensitive land use and onsite construction equipment); and*

    h. *Notifying adjacent residents in advance of construction work.*

46. As required, the applicant shall provide acoustical treatments for building mechanical equipment, such as the HVAC system and emergency generator, to ensure that noise levels do not exceed the City daytime noise level limit of 60 dBA L_{eq} or the nighttime noise limit of 50 dBA L_{eq} at the property line. Required performance standards for acoustical treatments can be specified by a qualified acoustical consultant. Treatments include, but are not limited to:

a. Constructing enclosures around noise-generating mechanical equipment,

b. Using mufflers or silencers on equipment exhaust fans, and

c. Limiting the testing of emergency generators to daytime hours (7:00 a.m. to 10:00 p.m.).

Ruben Hurin
Planning Manager

c. Peninsula Owner, LLC, applicant and property owner
DES Architects, architect

Attachments:

Applicant's Response Letter, dated September 17, 2021
November 23, 2020 Planning Commission Minutes
Application to the Planning Commission
Conditional Use Permit Applications
Project Description, submitted by the applicant, dated November 12, 2020
Email submitted by Joe Fitzgerald, IBEW Local 617, dated October 12, 2021
Email submitted by Charles Bronitsky, dated October 12, 2021
Letter submitted by Charles Bronitsky, dated October 8, 2021
Email submitted by Gregory S. Kuhl, dated November 23, 2020
Letter submitted by Jeff Philliber, dated November 27, 2020
TDM Plan, prepared by Krupka Consulting, dated November 6, 2020
Division Plan Review Comments
Planning Commission Resolution (proposed)
Notice of Public Hearing – Mailed October 15, 2021
Area Map

Separate Attachments:

Response to Comments, prepared by ICF, dated October 2021
Mitigation, Monitoring and Reporting Program (MMRP)
Initial Study/Mitigated Negative Declaration, prepared by ICF, dated June 2021
Revised Traffic Impact Analysis, prepared by TJKM, dated September 24, 2021