CEQA Class 32 Infill Exemption 1669/1699 Old Bayshore Highway and 810/821 Malcolm Road Project

Volume 1

Prepared for:

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Acronyms and Abbreviations

2020 UWMP	*Urban Water Management Plan*
2040 General Plan	*Envision Burlingame General Plan*
ADA	Americans with Disabilities Act
ALUCP	Airport Land Use Compatibility Plan
APN	Assessor's Parcel Number
BAAQMD	Bay Area Air Quality Management District
BART	Bay Area Rapid Transit
BDPA	Bay-Delta Plan Amendment
BMP	best management practice
BPD	Burlingame Police Department
BTEX	benzene, toluene, ethylbenzene, and xylenes
C/CAG	City/County Association of Governments
CalEEMod	California Emissions Estimator Model
Caltrans	California Department of Transportation
CAPs	criteria air pollutants
CARB	California Air Resources Board
CCFD	Central County Fire Department
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
City	City of Burlingame
CNEL	community noise equivalent level
CO	carbon monoxide
CRECs	controlled recognized environmental conditions
CRHR	California Register of Historical Resources
dB	decibel
dBA	A-weighted decibel
DPM	diesel particulate matter
DSS Model	Decision Support System Model
EIR	environmental impact report
EPA	Environmental Protection Agency
ESA	Environmental Site Assessment
ESL	environmental screening levels
EV	electric vehicle
FAA	Federal Aviation Administration
FAR	floor area ratio
General Plan Draft EIR	*City of Burlingame 2040 General Plan Draft Environmental Report*
GPD/sf	gallons per day per square foot
gsf	gross-square-foot
HRA	Health Risk Assessment
HVAC	heating, ventilation, and air-conditioning
I-I	Innovation-Industrial
ISG	Individual Supply Guarantee
LID	low-impact development

LOS	level of service
LUST	leaking underground storage tank
mgd	million gallons per day
MGY	million gallons per year
Municipal Code	City of Burlingame Municipal Code
NAHC	Native American Heritage Commission
NPDES	National Pollutant Discharge Elimination System
NWIC	Northwest Information Center
OCP	organochlorine pesticide
OPR	Governor's Office of Planning and Research
PCE	tetrachloroethene
PM_{10}	PM emissions diameters equal to or less than 10 microns
$PM_{2.5}$	PM emissions diameters equal to or less than 2.5 microns
PPV	peak particle velocity
PRC	Public Resources Code
Project	1669/1699 Old Bayshore Highway and 810/821 Malcolm Road Project
R&D	research and development
REC	recognized environmental conditions
RHNA	Regional Housing Needs Allocation
SamTrans	San Mateo County Transit District
SB	Senate Bill
sf	square-foot
SFBAAB	San Francisco Bay Area Air Basin
SFO	San Francisco International Airport
SFPUC	San Francisco Public Utilities Commission
SWPPP	Stormwater Pollution Prevention Plan
TACs	toxic air contaminants
TAZ	Transportation Analysis Zone
T-BACT	Toxic Best Available Control Technology
TDM	Transportation Demand Management
TIA	Transportation Impact Analysis
TPH	total petroleum hydrocarbons
TPH-g	total petroleum hydrocarbons as gasoline
ug/m^3	micrograms of gaseous pollutant per cubic meter of ambient air
US 101	U.S. Highway 101
UST	underground storage tank
VMT	vehicle miles traveled
VOC	volatile organic compounds
WSA	Water Supply Assessment
WSCP	Water Shortage Contingency Plan
WWTP	wastewater treatment plant

Chapter 1
Project Description

1.1 Project Information

Project Title

1669/1699 Old Bayshore Highway and 810/821 Malcolm Road Project

Lead Agency/Sponsor's Name and Address

City of Burlingame
Planning Division
501 Primrose Road
Burlingame, CA 94010

Contact Person and Phone Number

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Project Location

1669 Old Bayshore Highway
1699 Old Bayshore Highway
810 Malcolm Road
821 Malcolm Road
Burlingame, CA 94010
Assessor's Parcel Numbers: 026-302-530, 026-302-550, 026-301-180, 026-302-400 (see Figure 1)

Project Sponsor's Name and Address

Helios Real Estate Partners
Attn: Peter Banzhaf
44 Montgomery Street, 3rd Floor
San Francisco, CA 94104

General Plan Designation

Innovation-Industrial (I-I)

Zoning

Innovation-Industrial (I-I)

Requested Approvals

Design review for construction of an approximately 475,790 square-foot (sf) office and research and development (R&D) campus, with a nine-level parking structure (City of Burlingame Municipal Code [Municipal Code] Section 25.12, *Commercial and Industrial Zoning Districts [C-1, BFC, I-I]*).

- Special Permit for building height[1]
- Tree removal permit
- Special Permit for Approval of community benefit bonuses for Tier 3 projects[2]
- Vesting Tentative Parcel Map
- Federal Aviation Administration (FAA) Determination of No Hazard

1.2 Introduction

The 1669/1699 Old Bayshore Highway and 810/821 Malcolm Road Project (Project) involves four parcels (APNs 026-302-530, 026-302-550, 026-301-180, and 026-302-400) that cover approximately 4.54 acres in the northern portion of the City of Burlingame (City) (Figure 1). The parcels currently include three single-story commercial buildings at 821 Malcolm Road (constructed in 1963), 1699 Old Bayshore Highway (constructed in 1954), and 1669 Old Bayshore Highway (constructed in 1960) and a two-story commercial building with one basement level at 810 Malcolm Road (constructed in 1965). All four of the existing buildings are currently vacant. The site outside of the existing building footprints is paved with asphalt and concrete, is used for parking and deliveries, and contains limited landscaping.

On Project implementation, a new approximately 475,790 sf office and R&D campus with a nine-level parking structure would be developed. The Project would include north and south parcels that would be bisected by Malcolm Road. The north parcel would include a new seven-story, approximately 193,380 gross-square-foot (gsf) building for office and R&D uses with a 4,500-gsf rooftop terrace and a separate nine-level parking structure. In total, the Project would include approximately 150,374 gsf of office uses, 225,560 gsf of R&D uses, and 6,390 gsf of restaurant amenity use~~s~~; 19,519 sf of open space, including common and private open space areas; 947 vehicle parking spaces, including 38 surface parking spaces and 11 street parking spaces; and 68 bicycle parking spaces, including 16 public bicycle parking spaces located in the plazas.

1.2.1 Existing Setting

The Project site is comprised of four parcels within the northern portion of Burlingame near the San Francisco Bay and located at 1669 Old Bayshore Highway, 1699 Old Bayshore Highway, 810 Malcolm Road, and 821 Malcolm Road. All existing buildings located on the four parcels are currently vacant. A post office is located adjacent to the western portion of the Project site along Stanton Road. East of the Project site across Old Bayshore Highway are two hotels: the San Francisco

[1] Within the I-I zoning district, a Special Permit is required for proposed buildings greater than 65 feet in height (Municipal Code Section 25.78.060(A)(2)).

[2] The Planning Commission may approve a Special Permit for Tier 3 projects if it determines that a project includes at least three community benefits (Municipal Code Section 25.12.040).

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International Airport (SFO) Marriott Waterfront and the Vagabond Inn Executive – SFO Bayfront. The Hampton Inn & Suites is located adjacent the north portion of the Project site. Commercial and retail buildings are located south and west of the Project site.[3] Within the vicinity of the Project site are commercial, office, industrial, and hotel uses; institutional uses (Peninsula High School is approximately 0.15 mile from the Project site, and The Learning Studios is approximately 0.05 mile from the Project site); transportation uses (San Francisco International Airport is approximately 0.50 mile from the Project site, and U.S. Highway 101 (US 101) is approximately 0.20 mile from the Project site); and recreational uses (San Francisco Bay Trail and Bayfront Park are approximately 0.10 mile from the Project site).

[3] For the purpose of describing the Project site, Malcolm Road is assumed to run in an east–west direction and Old Bayshore Highway in a north–south direction.

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Figure 1
Project Location
1669/1699 Old Bayshore Highway and 810/821 Malcolm Road Project

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In addition, the Project site is approximately 0.80 mile from the Millbrae multimodal transit station, which provides Caltrain, Bay Area Rapid Transit, San Mateo County Transit District (SamTrans), and additional transit and shuttle services.[4] Furthermore, there is one SamTrans southbound bus stop south of Stanton Road, and one SamTrans northbound bus stop north of Stanton Road, as well as an additional bus stops on northbound and southbound on Old Bayshore Highway at Mitten Road, which serves both SamTrans and the Burlingame Bayside Shuttle Bus. In addition, there are two bus stops located southeast of the project site, 1600 Bayshore Highway and 1601 Bayshore/Hinckley, that serve the Burlingame Bayside Shuttle Bus. Figure 1 depicts the location of the Project site.

1.2.2 Land Use and Zoning

On January 7, 2019, the City adopted its Draft *Envision Burlingame General Plan* (2040 General Plan), which updated the previous general plan, including the vision, goals, policies, and land use designations, to provide direction as to the City's growth through 2040. The Project site is within the I-I land use designation. According to the 2040 General Plan, the I-I land use designation encourages the creation of light industrial and logistics centers with complementary commercial businesses. Some of the permitted uses for the I-I land use designation include commercial, light industrial, creative industry businesses, design businesses, limited indoor sports and recreation, and wholesale uses.[5]

The Municipal Code was updated to include the new I-I zoning designation, which implements the 2040 General Plan I-I designation (Municipal Code Section 25.12). The Project site is within the I-I zoning designation. The I-I zone accommodates and encourages diverse and compatible light industrial, office, R&D, and creative business enterprise uses to enrich the lives of residents, employees, and visitors and to increase employment opportunities, while providing opportunities for a variety of commercial and industrial business types that contribute to the stability of the City's economy.

Development projects fall into one of three categories, or tiers, ranging from Base Standard Intensity (Tier 1) to Maximum Intensity (Tier 3). The Project is proposed as a Tier 3 project. Tier 3 projects within this zone and with frontage along Old Bayshore Highway may reach a maximum floor area ratio (FAR) of 2.75 and may exceed a maximum height of 65 feet with approval of a Special Permit.[6] Such projects must fulfill specific development standard thresholds, as well as meeting Special Permit findings for community benefit objectives for development under Tier 3. Within this area, developments must be set back a minimum of 10 feet from the curb along the front (Old Bayshore

[4] Caltrain. 2022. *Millbrae Transit Center*. Available: http://www.caltrain.com/stations/millbraetransitcenter.html. Accessed: August 1, 2022.

[5] City of Burlingame. 2019. *Envision Burlingame General Plan*. City Council Hearing Draft. Available: https://www.burlingame.org/departments/planning/general_plan_update.php. Accessed: August 1, 2022.

[6] Per City of Burlingame Municipal Code 25.12.030, due to the zoning district's proximity to the San Francisco International Airport, maximum building heights are also required to comply with Airspace Protection Policies AP-1 through AP-4 of the *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport* (ALUCP). This includes determining the need to file form 7460-1, Notice of Proposed Construction or Alteration, with the FAA for any proposed project that would exceed the FAA notification heights, as shown approximately on ALUCP Exhibit IV-10 and complying with FAA Aeronautical Study Findings. It also includes complying with the maximum compatible building height, which includes all parapets, elevator overruns, etc. of a building, as noted in ALUCP Policy AP-3 and depicted in Exhibits IV-17 and IV-18 of the ALUCP.

Highway), as well as 10 feet on the sides and the rear. In addition, developments are subject to landscaping and lot coverage standards, which require at least 15 percent of the site to be covered in landscaping and a maximum lot coverage of 70 percent, respectively.

1.3 Project Description

The Project would include construction of an approximately 475,790-gsf office and R&D campus with a nine-level parking structure on a 4.5-acre site. Specifically, the Project would include the following components.

- North parcel with a seven-story, approximately 193,380-gsf office/R&D building and a surface parking lot.
- South parcel with an eight-story, approximately 282,410-gsf office/R&D building and a nine-level parking structure.
- 150,374 gsf of office space, 225,560 gsf of R&D space, and 6,390 gsf of restaurant amenity space.
- 947 parking spaces, including 909 parking spaces within the proposed parking structure on the south parcel, 38 surface parking spaces on the north parcel, and 11 street parking spaces. In addition, of the 947 parking spaces, 19 parking spaces would be Americans with Disabilities Act (ADA)-accessible spaces, 72 parking spaces would be electric vehicle (EV)-ready day one, 75 parking spaces would be future EV ready, 7 parking spaces would be ADA EV ready, and 31 parking spaces would be clean air EV ready.
- 52 long-term bicycle spaces in a secured bicycle storage room in the parking garage on the south parcel, as well as 16 short-term outdoor bicycle parking spaces that would be provided at convenient and well-lit locations around the buildings, for a total of 68 bicycle parking spaces.
- Open-space areas, including common open space for the public and tenants and privately accessible open space for tenants, as well as public street frontage improvements.

Figure 2 through Figure 9 show the proposed site plan, elevations, and renderings.

1.3.1 Site Plan

All existing features associated with the Project site would be removed, and a new approximately 475,790-gsf office and R&D campus with associated parking would be constructed. The Project would comprise two parcels, the north and south parcels, which would be bisected by Malcolm Road. The north parcel would include a seven-story, approximately 193,380-gsf building with 38 surface parking spaces. The building would reach a height of 120 feet, 6 inches, and would include approximately 61,993 sf of office uses and approximately 92,714 sf of R&D uses. The anticipated number of employees in the north parcel during operation is 450. In addition, the ground floor of the building would include a lobby and conference room, which would be accessible to the public and tenants of the building.

The south parcel would include an eight-story, approximately 282,410-gsf building and a nine-level parking structure. The building would reach a height of approximately 135 feet, 6 inches and would include approximately 88,381 sf of office uses, 132,846 sf of R&D uses, and 6,390 sf of restaurant use. The anticipated number of employees in the south parcel during operation is 1,000. Similar to the proposed building on the north parcel, the ground floor of the building on the south parcel

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would include a lobby and conference room, in addition to the café, which would be accessible to the public. The parking structure would be approximately 291,944 sf and would contain 909 parking spaces for use by both of the proposed buildings.

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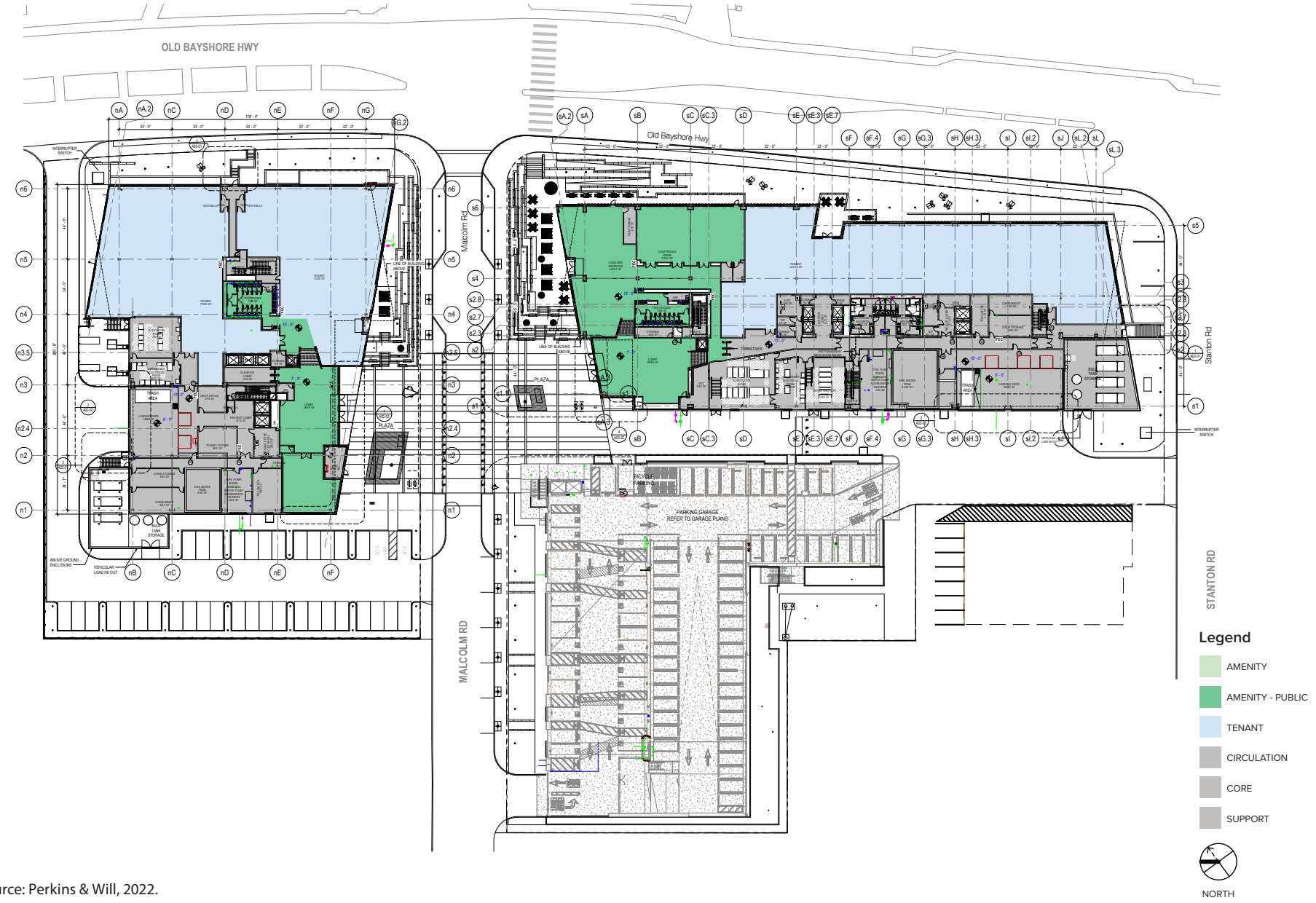

Source: Perkins & Will, 2022.

Graphics ... 104572 (10-13-2022) JC

Figure 2

Site Plan — Level 1 (Ground Level)

1669/1699 Old Bayshore Highway and 810/821 Malcolm Road Project

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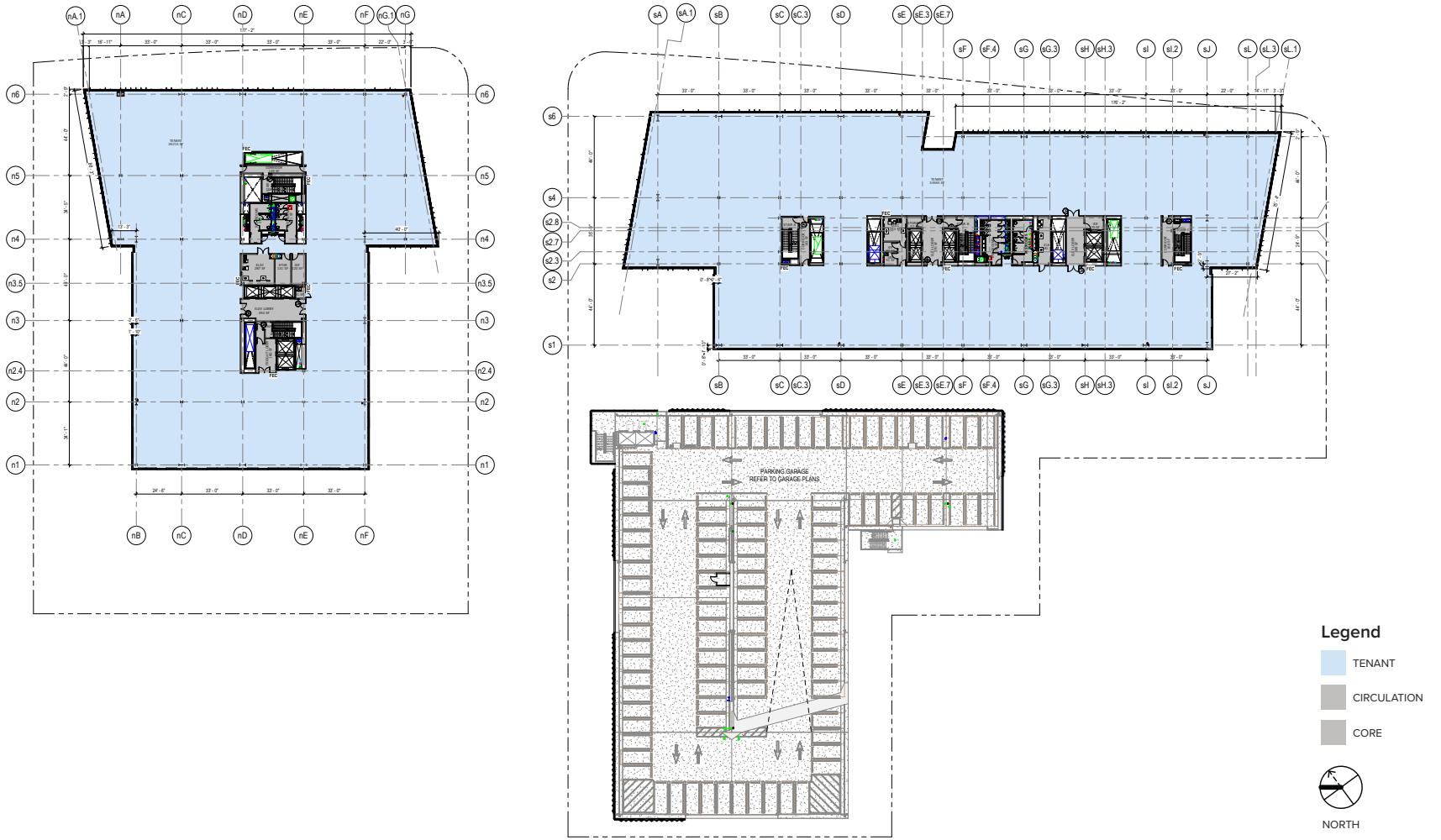

Source: Perkins & Will, 2022.

Graphics ... 104572 (10-13-2022) JC

Figure 3
Site Plan — Levels 2-6 Floor Plan
1669/1699 Old Bayshore Highway and 810/821 Malcolm Road Project

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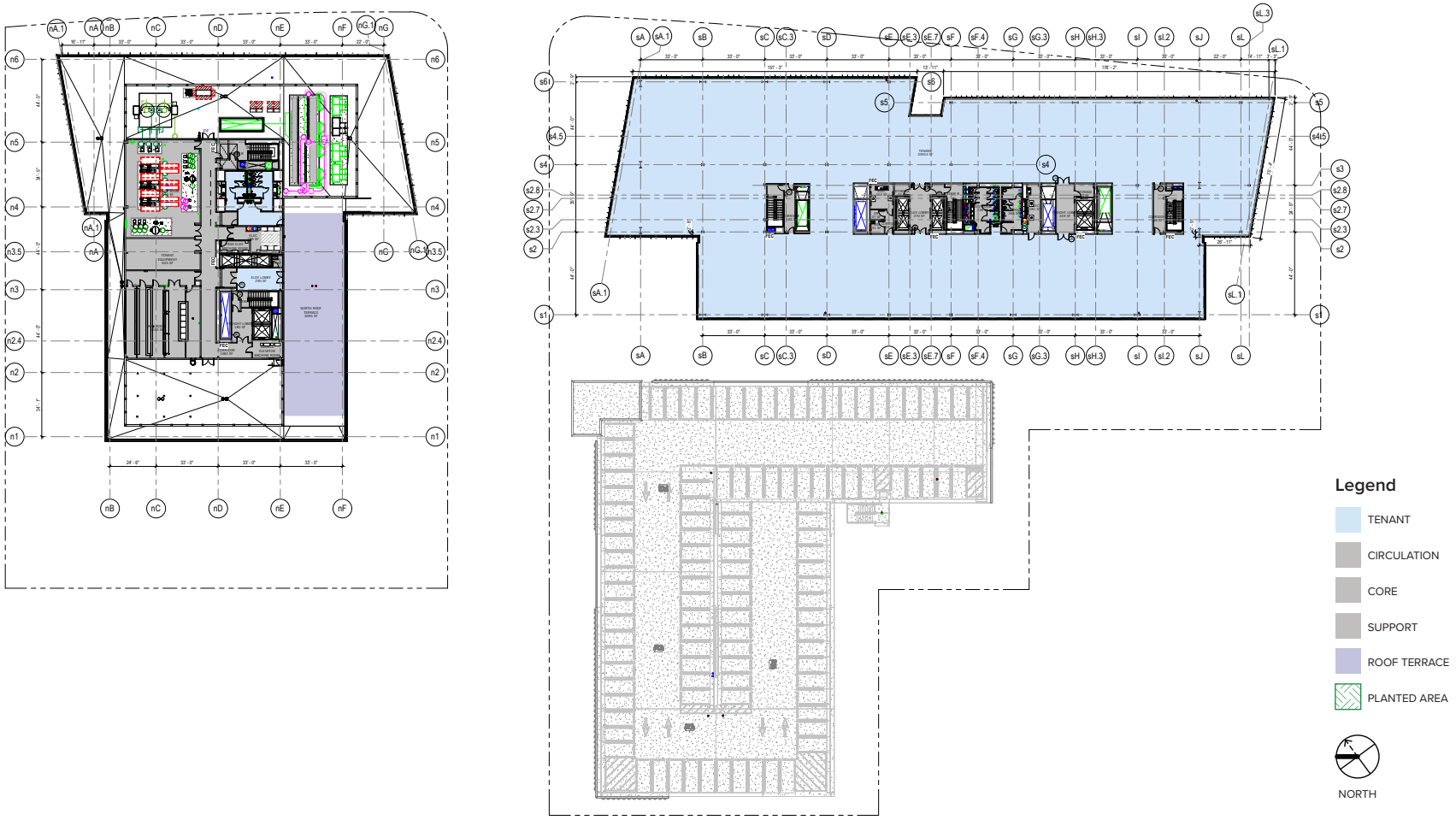

Source: Perkins & Will, 2022.

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Figure 4

Site Plan — Level 7 Penthouse North Building

1669/1699 Old Bayshore Highway and 810/821 Malcolm Road Project

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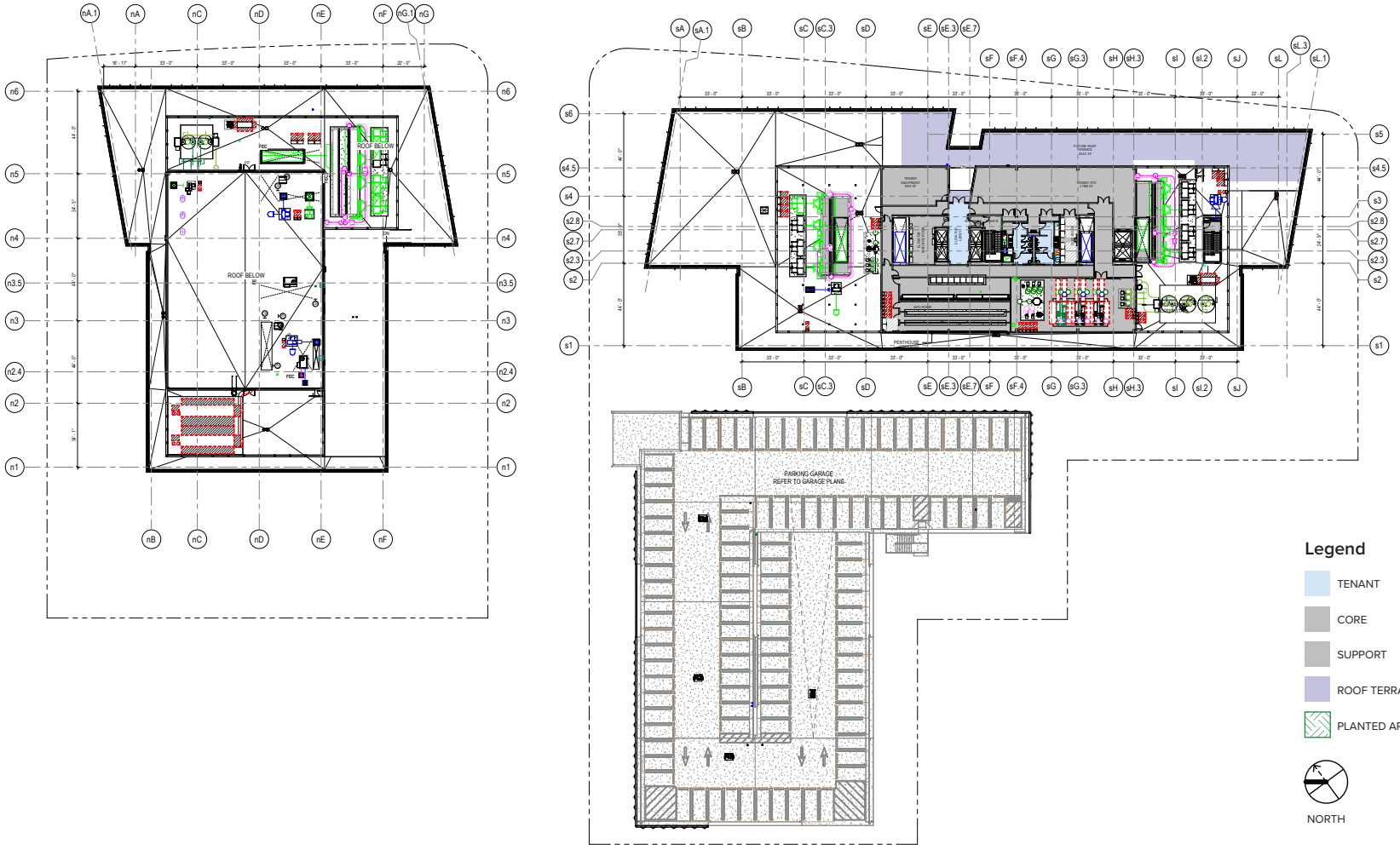

Source: Perkins & Will, 2022.

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Figure 5

Site Plan — Level 9 Penthouse South Building

1669/1699 Old Bayshore Highway and 810/821 Malcolm Road Project

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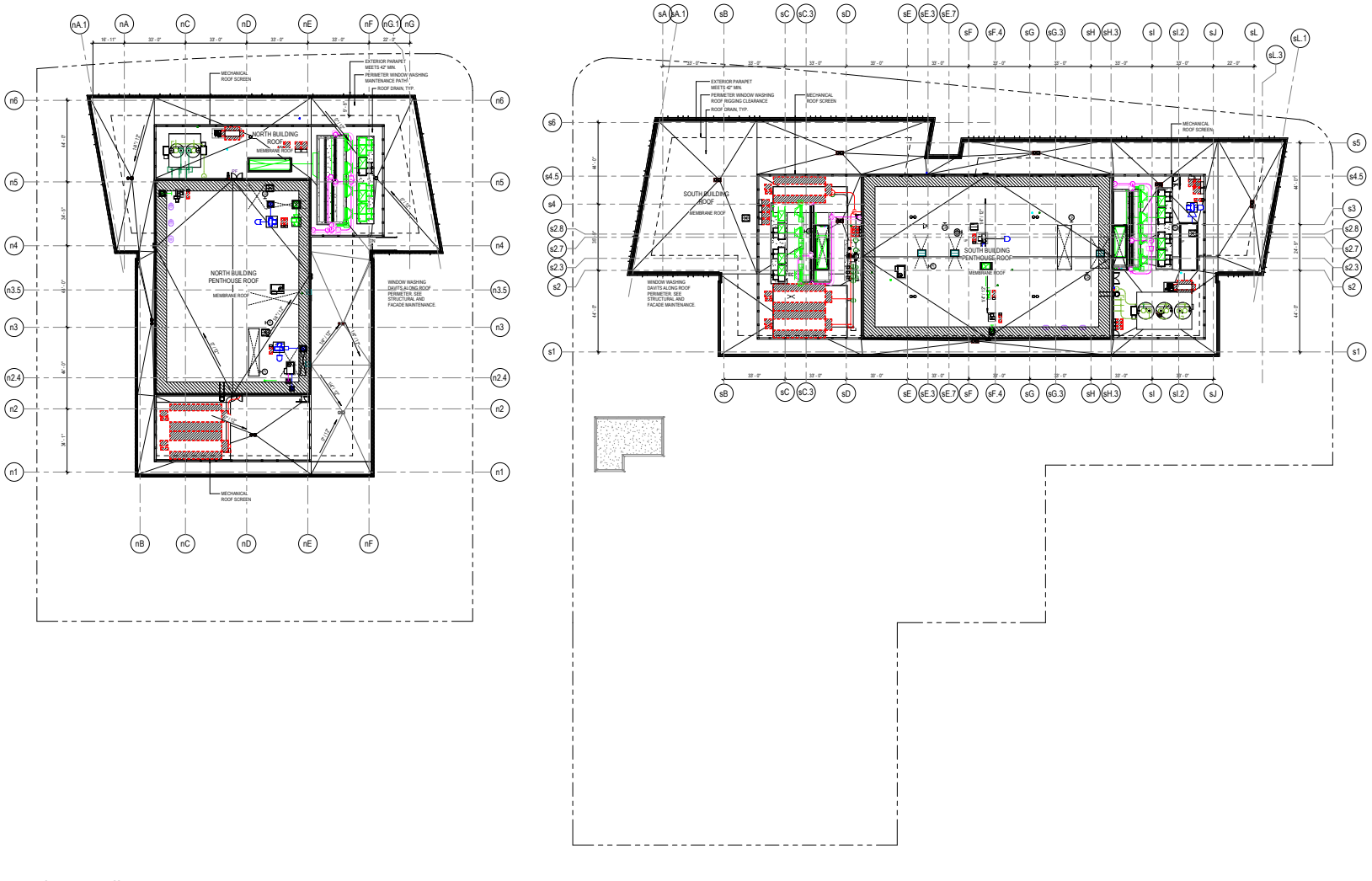

Source: Perkins & Will, 2022.

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Figure 6

Site Plan — Penthouse Roof Plan

1669/1699 Old Bayshore Highway and 810/821 Malcolm Road Project

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1 NORTHEAST ELEVATION

2 SOUTHWEST ELEVATION

Source: Perkins & Will, 2022.

NORTH

Graphics ... 104572 (10-13-2022) JC

Figure 7

Northeast and Southwest Building Sections and Elevations

1669/1699 Old Bayshore Highway and 810/821 Malcolm Road Project

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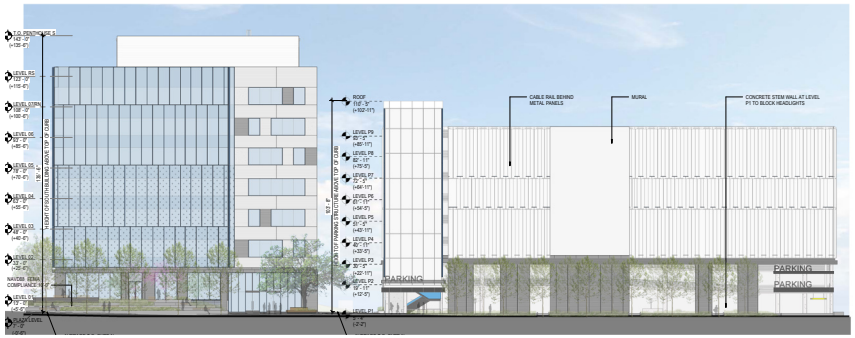
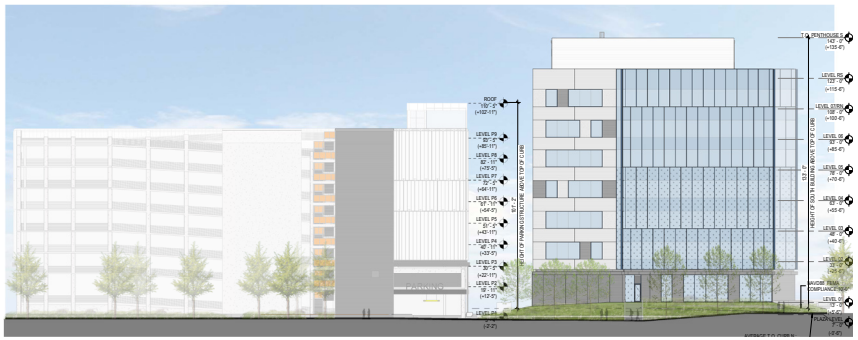


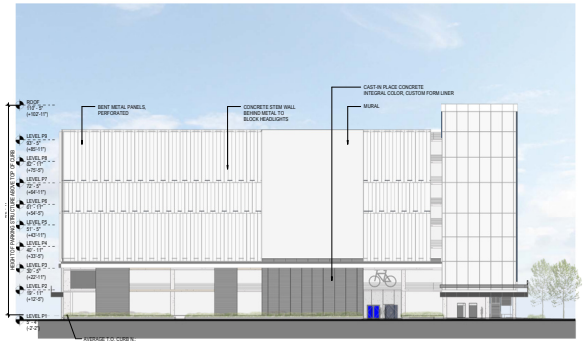
6 NORTH ELEVATION - SOUTH BUILDING AND GARAGE



3 SOUTH ELEVATION - SOUTH BUILDING AND GARAGE

5 NORTH ELEVATION - NORTH BUILDING

2 SOUTH ELEVATION - NORTH BUILDING



4 EAST ELEVATION - GARAGE BUILDING

1 WEST ELEVATION - GARAGE BUILDING

Source: Perkins & Will, 2022.

NORTH

Graphics ... 104572 (10-13-2022) JC

Figure 8

Building Sections and Elevations

1669/1699 Old Bayshore Highway and 810/821 Malcolm Road Project

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Source: Perkins & Will, 2022.

Graphics ... 104572 (10-13-2022) JC

Figure 9
Building Rendering
1669/1699 Old Bayshore Highway and 810/821 Malcolm Road Project

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The Project would include approximately 19,519 sf of open space, including common open space that would be available to the tenants of the proposed buildings and the public and would consist of a terrace and two outdoor plazas. The proposed open space also includes two rooftop terraces, one on each building and totaling 8,500 sf, that would only be accessible to building tenants. There would be additional landscaped areas not to be used as gathering spaces that are proposed for the Project, including landscape buffers along Malcolm Road and Old Bayshore Highway.

In addition, the Project would incorporate vehicular and pedestrian access and circulation improvements. Stanton Road would provide primary access to the Project site, with secondary access provided via Malcolm Road. The Project would incorporate special paving materials and elevate a portion of Malcolm Road between the two proposed buildings to sidewalk level to create a pedestrian-oriented environment and discourage vehicular traffic through this area. In addition, new sidewalks would be constructed along the building frontages. Furthermore, a new crosswalk across Old Bayshore Highway would be incorporated as part of the Project to provide access to the nearby San Francisco Bay Trail.

Based on the proposed office and R&D uses, the Project applicant would be required to provide a minimum of 300 parking spaces for the north parcel and 460 parking spaces for the south parcel, for a total of 760 parking spaces on site. However, in accordance with the Project site's zoning designation, and per Burlingame Municipal Code Section 25.40.040(A)(3), *Parking Reductions*, a 20 percent reduction in parking may be applied to the Project because it is required to submit a Transportation Demand Management (TDM) Plan. Therefore, under these requirements, the Project would be required to provide a total of 582 parking spaces on site (i.e., 240 parking spaces on the north parcel and 342 parking spaces on the south parcel). The Project would provide 947 total parking spaces on site, including 38 surface parking spaces, with 10 of these spaces designated for public parking, 909 parking spaces within the parking structure, and 11 street parking spaces, to fulfill the City's parking requirements. The Project would also include 52 bicycle parking spaces for tenant use in a secured bicycle room in the parking structure on the south parcel, as well as 16 on-site bicycle parking spaces for public use in the plazas, for a total of 68 bicycle parking spaces.

Utilities for the Project, including electricity, natural gas, and water, would connect to existing utility infrastructure. The Project site would treat the stormwater on site in accordance with low-impact development treatment measures and mechanical treatment, per the National Pollutant Discharge Elimination System program; treated stormwater would drain through existing storm drain systems and ultimately reach the main storm drains on Malcolm Road, Stanton Road, and Old Bayshore Highway.

1.3.2 Transportation Demand Management

TDM measures would be implemented as a part of the Project to reduce the number of single-occupant vehicle trips generated by the Project. A TDM plan has been prepared for the Project that includes design features, programs, and services that promote sustainable modes of transportation.

The TDM plan is included as Appendix A-1, *Transportation Demand Management Plan*, of this document. Proposed TDM measures, as described in greater detail in Appendix A-1, include the following:

- Free or preferential parking for carpools or vanpools

- On-site TDM coordinator
- Active participation in Commute.org or equivalent Transportation Management Association
- Carpool and vanpool program
- Transit or ridesharing passes or subsidies
- Pretax transportation benefits
- Secure bicycle storage
- Shower, lockers, and changing rooms for cyclists
- Streets designed to encourage bike and pedestrian access
- Improved pedestrian and bicycle connections to existing trails, bikeways, or adjacent streets
- Pedestrian-oriented uses and amenities on the ground floor.

1.3.3 Building Design and Lighting

Given the height of the proposed buildings and parking structure (maximum building heights of 120 feet, 6 inches, to 135 feet, 6 inches), the Project would be visible from adjacent streets in the vicinity. The ground floor (level 1) of the proposed buildings would support a mix of office, R&D, amenity (lobby and conference rooms), and retail uses, whereas the remaining levels of the buildings would support a mix of R&D and office uses. The nine-level parking structure would be located adjacent to the proposed building on the south parcel and would be accessible from Stanton Road and Malcolm Road. The Project would install solar photovoltaic systems on the roofs of the two buildings, as well as incorporate other sustainability features, such as efficient low-flow fixtures to reduce indoor water use, vertical and horizontal shading systems to reduce peak cooling demand, and drought-tolerant landscaping. The exterior of the proposed buildings and parking structure would be composed of glass, metal panels, metal railing, steel, and concrete. Exterior designs would reflect, as well as enhance, the urban mixed-use character of the surrounding area. Exterior lighting would be limited to landscape, safety, and circulation lighting. In addition, the buildings would incorporate bird-safe design features to minimize impacts on birds.

1.3.4 Landscaping and Open Space

A total of 31 trees were documented on the Project site, including blackwood acacia (*Acacia melanoxylon*), Hollywood juniper (*Juniperus chinensis 'Kaizuka'*), lemon bottlebrush (*Melaleuca citrinus*), Myoporum (*Myoporum laetum*), Monterey pine (*Pinus radiata*), western sycamore (*Platanus racemosa*), Fremont cottonwood (*Populus fremontii*), African sumac (*Rhus lancea*), and Mexican fan palm (*Washingtonia robusta*) species. According to the Preliminary Arborist Report prepared by HortScience | Bartlett Consulting dated July 25, 2022 (see Appendix B, *Arborist Report*), there are eight protected trees on and adjacent to the Project site, including one blackwood acacia, five western sycamores, one Monterey pine, and one Fremont cottonwood. These eight protected trees were identified as being in fair condition. All of the existing 31 trees on the Project site, including the eight protected trees, would be removed on Project implementation. The applicant has obtained a Protected Tree Removal Permit from the City, dated August 8, 2022, for removal of the eight protected trees.

To compensate for the removal of protected trees, Municipal Code Section 11.06.090, *Tree Requirements and Reforestation*, requires trees to be planted at a ratio of 3:1 when using 15-gallon trees, 2:1 when using 24-inch trees, and 1:1 when using 36-inch trees. The Project would include planting 106 trees throughout the site and nearby streetscapes in areas that would be accessed by tenants and the public. In addition, the Project would improve sidewalks on the Old Bayshore Highway, Malcolm Road, and Stanton Road frontages through landscaping.

The Project would include approximately 19,519 sf of total open space. Approximately 11,019 sf of publicly accessible open space would be provided in the form of two outdoor plazas for each of the proposed buildings and would provide access via a crosswalk on Old Bayshore Highway to the northern end of the San Francisco Bay Trail. The plaza at the north parcel would be approximately 5,280 sf, and the plaza at the south parcel would be approximately 5,739 sf. The two plazas could be combined with the elevated sidewalk on Malcolm Road to form a larger event space. The plazas would include bicycle parking, social spaces, murals, sculptures, outdoor seating, landscaping, and integrated seat walls. For tenants of the proposed buildings, approximately 8,500 sf of private open space would be provided in the form of rooftop terraces on the roofs of both the north and south parcel buildings. The City does not have any established open space requirement standards for the I-I zoning district; however, the City does have an established minimum landscape coverage requirement of 15 percent of a site within the I-I zoning district. Approximately 15.1 percent of the Project site would be covered in landscaping in accordance with Municipal Code Section 25.12.030, which would fulfill the City's minimum landscaping requirement.

1.4 Remediation

Phase I Environmental Site Assessments (ESAs) and Focused Phase II Investigation reports were conducted for the properties located at 1669 and 1699 Old Bayshore Highway,[7,8] 810 Malcolm Road,[9,10] and 821 Malcolm Road.[11,12] The ESAs and investigations are included as Appendix C, *Phase I/II Environmental Site Assessments*, to this document.

Facilities surrounding the Project site were historically or are currently used for commercial, industrial, office, and hotel uses. There was a documented chemical (tetrachloroethene [PCE] release from a dry cleaner located at 855 Malcolm Road, approximately 600 feet from the Project site. In response to the release, approximately 56 cubic yards of soil were excavated from the site in 2007, and alternating rounds of Hydrogen Release Compounds and RegenOx were injected to treat the groundwater. The cased was closed in 2012.[13]

[7] Roux. 2021. *Phase I Environmental Site Assessment Report – 1669 and 1699 Old Bayshore Highway, Burlingame, California*. February 25, 2021.

[8] Roux. 2021. *Focused Phase II Investigation Report – 1669 and 1699 Old Bayshore Highway, Burlingame, California*. March 30, 2021.

[9] Roux. 2021. *Phase I Environmental Site Assessment Report – 810 Malcolm Road, Burlingame, California*. February 24, 2021.

[10] Roux. 2021. *Focused Phase II Investigation Report – 810 Malcolm Road, Burlingame, California*. March 30, 2021.

[11] Roux. 2021. *Draft Phase I Environmental Site Assessment Report – 821 Malcolm Road, Burlingame, California*. June 5, 2021.

[12] Roux. 2021. *Draft Focused Phase II Investigation Report – 821 Malcolm Road, Burlingame, California*. June 18, 2021.

[13] Roux. 2021. *Focused Phase II Investigation Report—810 Malcolm Road, Burlingame, California*. March 30, 2021.

In addition, a leaking underground storage tank (LUST) was reported at 1669 Old Bayshore Highway in 1993. The underground storage tank (UST) was successfully removed, and residual soil was over-excavated prior to backfill of the tank pit. Soil and groundwater samples were collected from 2 feet below the former location of the bottom of the tank and the sidewalls to evaluate possible contamination on site. All of the samples were evaluated and found to be below the required concentrations for commercial environmental screening levels (ESLs). The site was considered case closed. However, as reported by Augeaus Corporation, the data gathered for the tank removal was potentially unreliable, and, therefore, the closed LUST was considered to be a historically recognized environmental condition, and further investigation was required.

Consequently, the Focused Phase II investigation reports conducted for the Project site evaluated potential contaminants at the property that may affect the four parcels. Soil, groundwater, and indoor and outdoor air quality samples were collected, and potential vapor intrusion concerns related to groundwater and soil were evaluated. The investigations found that no contaminants in the soil were detected above commercial ESLs or hazardous waste criteria. In addition, the groundwater samples did not contain concentrations of volatile organic compounds (VOCs) above the commercial ESLs, and, based on the lack of VOC detection, the groundwater at the Project site did not appear to be impacted by nearby sites or the former UST. Furthermore, the investigation found that the potential for vapor intrusion is low. Based on the results of the investigations, additional investigation related to on- or off-site contamination is not required, no recognized environmental conditions (RECs), controlled recognized environmental conditions (CRECs), or *de minimis* conditions were identified on the Project site, and mitigation measures are not warranted.

1.5 Construction Schedule and Phasing

The proposed construction methods are considered conceptual and subject to review and approval by the City. For the purposes of this environmental document, the analysis considers the following construction plan.

Project construction would have a duration of approximately 24 months. The current construction hours are as follows.

- **Weekdays**: 7:00 a.m.–7:00 p.m.
- **Saturdays**: 9:00 a.m.–6:00 p.m.
- **Sundays and Holidays**: No construction

The Project would be constructed in seven phases. In total, it is anticipated that Project construction would have a duration of approximately 24 months, as follows.

- **Demolition**: 50 work days
- **Site Preparation/Grading**: 50 work days
- **Pile Installation**: 45 work days for each structure
- **Trenching/Foundation**: 82 work days for the south parcel, 52 work days for the parking structure, and 87 work days for the north parcel
- **Building Exterior**: 204 work days for the south parcel, 355 work days for the parking structure, and 178 work days for the north parcel

- **Building Interior/Architectural Coating**: 379 work days for the south parcel, 108 work days for the parking structure, and 357 work days for the north parcel
- **Paving**: 12 work days for the south parcel and parking structure and 10 work days for the north parcel

1.5.1 Construction Equipment and Staging

Equipment used during Project construction would include, but not be limited to, excavators, dozers, tractors, backhoes, industrial saws, graders, cranes, forklifts, compressor, aerial lift, and a paving machine. Potential construction laydown and staging areas would be located on the Project site, and construction employee parking would be provided off site at 1499 Bayshore Highway. The off-site employee parking area is subject to the approval of Temporary Use Permit per Municipal Code Section 25.32.030(E). There would be auger cast piles drilled, not driven. As a result, there would be no percussive sounds generated during installation, only noise from normal operation of the equipment typical of that of other construction activities. No blasting would occur as part of Project construction. Excavation would reach a maximum depth of 6 feet, with an average excavation depth of 4 feet.

The Project applicant has committed to using a mix of Tier 4 Final, Tier 4 Interim, and Tier 3 heavy-duty construction equipment during construction of the Project. In addition, the Project applicant has also committed to implementing the Bay Area Air Quality Management District's (BAAQMD) Basic Construction Mitigation Measures for fugitive dust control during construction. These measures include the following.

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) will be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off site will be covered.
- All visible mud or dirt track-out onto adjacent public roads will be removed using wet power vacuum street sweepers at least once a day. The use of a dry power sweeper is prohibited.
- All vehicle speeds on unpaved roads will be limited to 15 miles per hour.
- All roadways, driveways, and sidewalks will be paved as soon as possible. Building pads will be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times will be minimized either by shutting equipment off when not in use or reducing the maximum idling times to 5 minutes (as required by the California Airborne Toxics Control Measure, Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage will be provided for construction workers at all access points.
- All construction equipment will be maintained and properly tuned, in accordance with manufacturer's specifications. All equipment will be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- A publicly visible sign with the name and telephone number of the person to contact at the lead agency regarding dust complaints will be posted. This person will respond and take corrective action within 48 hours. BAAQMD's phone number will also be visible to ensure compliance with applicable regulations.

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Chapter 2
CEQA Exemption

Article 19 of the California Environmental Quality Act (CEQA) Guidelines, Sections 15300 to 15333, identifies classes of projects that do not have a significant effect on the environment and, therefore, are exempt from review under CEQA.

2.1 Class 32 (Infill Development)

Among the classes of projects that are exempt from CEQA review are those that are specifically identified as urban infill development. CEQA Guidelines Section 15332 states that the term *infill development* (or the Class 32 exemption) is applicable to projects that meet the following conditions:

a. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as applicable zoning designations and regulations.

b. The proposed development occurs within the City limits, on a project site that is no more than 5 acres and surrounded by urban uses.

c. The project site has no value as habitat for endangered, rare, or threatened species.

d. Approval of the project would not result in any significant effects related to traffic, noise, air quality, or water quality.

e. The site can be adequately served by all required utilities and public services.

The analysis presented in the following section provides substantial evidence that the Project qualifies for an exemption under CEQA Guidelines Section 15332 as a Class 32 urban infill development and would not have a significant effect on the environment.

2.2 Exemptions

Even if a project is ordinarily exempt under the potential categorical exemptions, CEQA Guidelines Section 15300.2 provides specific instances where exceptions to otherwise applicable exemptions apply. Exceptions to a categorical exemption apply in the following circumstances, effectively nullifying a CEQA categorical exemption:

- **Location**. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located. A project that is ordinarily insignificant in its impact on the environment may, in a particularly sensitive environment, be significant. Therefore, these classes are considered to apply in all instances, except when the project may affect an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.
- **Cumulative Impact**. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type and in the same place over time is significant.

- **Significant Effect**. A categorical exemption will not be used for an activity when there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.
- **Scenic Highways**. A categorical exemption will not be used for a project that may result in damage to scenic resources, including, but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway that has been officially designated as a state scenic highway. This does not apply to improvements that are required as mitigation by an adopted negative declaration or certified environmental impact report (EIR).
- **Hazardous Waste Sites**. A categorical exemption will not be used for a project located on a site that is included on any list compiled pursuant to Section 65962.5 of the Government Code.
- **Historical Resources**. A categorical exemption will not be used for a project that may cause a substantial adverse change in the significance of a historical resource.

The analysis that follows presents substantial evidence to demonstrate that no exceptions apply to the Project or its site, the Project would not have a significant effect on the environment and, therefore, the Class 32 exemption remains applicable.

Chapter 3
CEQA Exemption Checklist

3.1 Introduction

The following analysis provides substantial evidence to support the conclusion that the Project qualifies for an exemption under CEQA Guidelines Section 15332 as a Class 32 urban infill development and, therefore, would not have a significant effect on the environment.

3.1.1 Criterion Section 15332(a): General Plan and Zoning Consistency

	Yes	No
The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.	☒	☐

According to the2040 General Plan, the Project site is within an area that has an I-I land use designation, which creates light industrial and logistics centers with complementary commercial businesses. Permitted uses within the I-I land use designation include commercial, light industrial, creative industry businesses, design businesses, limited indoor sports and recreation, and wholesale uses.[14] Because the Project is an office and R&D development with amenity space, it would be consistent with the designated land use and zoning.

Furthermore, as stated in Section 1, *Project Description*, development projects fall into one of three categories, or tiers, ranging from Base Standard Intensity (Tier 1) to Maximum Intensity (Tier 3). The Project is proposed as a Tier 3 (Maximum Intensity) project. Tier 3 projects within this zone may reach a maximum FAR of 2.75 and a maximum height of 65 feet. However, certain projects within the I-I designation may exceed the maximum height of 65 feet with approval of a Special Permit. Such projects must fulfill specific development standard thresholds, as well as meeting the Special Permit findings for community benefit objectives for development under Tier 3.

The Project is proposed as a Tier 3 (Maximum Intensity) project. In addition, the Project would exceed the maximum building height of 65 feet and, therefore, would be subject to the Special Permit and community benefit objectives. The Project would provide the following community benefits in accordance with Section 25.12.040 of the City's Zoning Code. With the below-listed community benefits and approval of the Special Permit, the Project would be consistent with the I-I standard for maximum building height.

- **Public Plaza**. The Project would include two public plazas between the proposed buildings and Malcolm Road that would be directly accessible from the sidewalk.
- **Publicly Accessible Building Amenities**. The Project would include a publicly accessible café and conference rooms on the ground floor of the proposed buildings.

[14] City of Burlingame. 2019. Envision Burlingame General Plan. City Council Hearing Draft. Available: https://www.burlingame.org/departments/planning/general_plan_update.php. Accessed: August 1, 2022.

- **Public Art**. The Project would include space for visual arts, performing arts, and community events between the proposed buildings.
- **Offsite Infrastructure Improvements**. The Project would include a new crosswalk at Old Bayshore Highway and Malcolm Road to connect to the existing San Francisco Bay Trail access point for all businesses on Malcolm Road.

The I-I zoning designation also includes development standards for building setbacks, lot coverage (70 percent), building height (65 feet for properties fronting onto Old Bayshore Highway), FAR 2.75 for Tier 3 R&D/Office developments), and landscaping (minimum 15 percent landscape coverage). The Project would comply with the building setbacks, lot coverage, FAR, and landscaping requirements, but would be above the building height development standards. However, as described above, the Project may exceed the maximum height of 65 feet with approval of a Special Permit for buildings exceeding the maximum height limits in the I-I zoning district in accordance with section 25.78.060(A), and with findings as stated in Section 25.78.060(B) of the City's zoning code. An increase of up to 2.75 FAR is permitted with implementation of community benefits and approval of a Special Permit in accordance with the Section 25.12.040 of the City's Zoning Code. Therefore, with implementation of community benefits and approval of two Special Permits, the Project would be consistent with the development standards under the I-I zoning designation.

In addition, based on the proposed office and R&D uses, the Project applicant would be required to provide a minimum of 300 parking spaces for the north parcel and 460 parking spaces for the south parcel, for a total of 760 parking spaces on site.[15] However, in accordance with the Project site's zoning designation and per Burlingame Municipal Code Section 25.40.040(A)(3), *Parking Reductions*, a 20 percent reduction in parking may be applied to the Project because it is required to submit a TDM Plan. Therefore, under these requirements, the Project would be required to provide a total of 582 parking spaces on site (i.e., 240 parking spaces on the north parcel and 342 parking spaces on the south parcel). The Project would provide 947 total parking spaces on site, including 38 surface parking spaces, 909 parking spaces within the parking structure, and 11 street parking spaces, to fulfill the City's parking requirements.

In addition, due the I-I zoning district's proximity to SFO, per the City of Burlingame Municipal Code Section 25.12.030, *Development Standards*, maximum building heights are also required to comply with Airspace Protection Policies AP-1 through AP-4 of the SFO Airport Land Use Compatibility Plan (ALUCP). This includes determining the need to file form 7460-1, *Notice of Proposed Construction or Alteration*, with the FAA for any project that would exceed FAA notification heights, as shown on ALUCP Exhibit IV-10, and complying with the FAA Aeronautical Study Findings. With the 7460-I filing, the FAA then undertakes an aeronautical study of the project and determines whether there is a Determination of No Hazard or a Determination of Hazard. A Determination of Hazard is made when a project would cause an obstruction to air navigation, resulting in a substantial aeronautical impact. Because the Project would exceed the maximum allowable building height of 65 feet under the City's zoning code, the Project Applicant filed with the FAA and received a Determination of No Hazard to Air Navigation.[16]

[15] Per Municipal Code Section 25.40.030, 1 parking space is required per 300 square feet of office space, 1 parking space per 1,000 square feet of R&D space, and 1 parking space per 200 square feet of commercial retail space.

[16] October 15, 2022. Determination of No Hazard to Air Navigation for Points 1-8 for 1669 1699 Bayshore and 810 819 Malcolm Road.

Given the above, the Project meets the criteria of CEQA Guidelines Section 15332(a) and is consistent with the 2040 General Plan and applicable zoning regulations for the site.

3.1.2 Criterion Section 15332(b): Project Location, Size, and Context

	Yes	No
The proposed development occurs within City limits on the project site of no more than 5 acres substantially surrounded by urban uses.	☒	☐

The Project site is within the incorporated limits of the City of Burlingame. The site comprises four parcels (1669/1669 Old Bayshore Highway and 810/821 Malcolm Road Project) that cover approximately 4.54 acres in the northern portion of the City of Burlingame. The parcel currently includes three single-story commercial buildings (821 Malcolm Road, and 1699 and 1669 Old Bayshore Highway) and a two-story commercial building with one basement level at 810 Malcolm Road. The site area outside of the existing building footprints is paved with asphalt and concrete, is used for parking and deliveries, and includes limited landscaping. A post office is located adjacent to the western portion of the Project site along Stanton Road. East of the Project site across Old Bayshore Highway are two hotels: the SFO Marriott Waterfront and the Vagabond Inn Executive—SFO Bayfront. Hampton Inn & Suites is located adjacent the northern portion of the Project site. Commercial and retail buildings are located south and west of the Project site (Figure 1). CEQA defines a qualified urban use as "…any residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses."[17] Given these facts, the Project adheres to the criteria of CEQA Guidelines Section 15332(b) as a site of no more than 5 acres that is substantially surrounded by urban uses.

3.1.3 Criterion Section 15332(c): Endangered, Rare, or Threatened Species

	Yes	No
The project site has no value as habitat for endangered, rare, or threatened species.	☒	☐

The Project site land use is within an urban, industrial area of the City of Burlingame. The Project site consists of mainly paved surfaces with four commercial buildings, parking lots, and narrow bands of unpaved areas with landscaped trees, shrubs, and weedy plants species. The developed areas of the Project site provide habitat for common wildlife and plant species that occur in urban areas in the San Francisco Bay region. The Project site and surrounding terrestrial area lacks significant native vegetation, natural habitats, sensitive natural communities[18], or significant connectivity to such habitats. The Project site lacks any water feature, waterway, wetland, or riparian habitat. The Project site is approximately 340 feet west of the San Francisco Bay, which supports aquatic marine habitats.

[17] Governor's Office of Planning and Research. 2019. *California Environmental Quality Act Statutes and Guidelines*. Section 21072. p. 8. Accessed: September 7, 2022.
[18] California Department of Fish and Wildlife. 2022. *California Sensitive Natural Communities*. Available: https://www.wildlife.ca.gov/Data/VegCAMP/Natural-Communities.

Special-status species databases[19,20,21] life histories, known range, habitat requirements[22], literature, and occurrence records were reviewed and cross referenced with the available habitats in the Project site. A site visit was conducted on August 30, 2022, by an ICF biologist, Shannon Henke, to assess the potential for special status-species habitat. There is marginal habitat for American peregrine falcon (*Falco peregrine*) at the Project site and the surrounding local and regional urban areas. This is evidenced by observations of this species in the Project vicinity and throughout urban areas the San Francisco Bay region.[23] However, suitable significant habitat (e.g., nesting, perching, foraging) for the peregrine falcon is not present in the Project site. Therefore, special-status plant and wildlife species are unlikely to occur in the Project site and significant suitable habitat is not present in the Project Site.

The limited existing landscape trees and shrubs could provide foraging and nesting habitat migratory birds and other wildlife species. A total of 31 trees in the Project vicinity (28 trees on the Project site and three trees that are nearby and off-site) would be removed as part of the Project. Eight trees are regulated under the City of Burlingame Municipal Code (see the Arborist Report in Appendix B). The Project applicant has submitted a removal permit to the City of Burlingame. To compensate for the removal of the 31 trees, the Project would plant a total of 106 trees throughout the Project site and surrounding streetscapes (74 trees within the Project site and 32 outside), in accordance with Burlingame Municipal Code Section 11.06.090. The Project impacts on trees and wildlife species that utilize trees, including migratory birds and bats, would be temporary and less-than-significant.

In addition, Project compliance with the policies in the 2040 General Plan and standard conditions of approval would ensure the avoidance of significant impacts on migratory birds, nongame wildlife species (e.g., bats), and trees/wildlife habitat. Specifically, the following Burlingame General Plan policies apply:

- **Policy HP-5.14: Compliance with Environmental Laws.** Ensure that all projects affecting resources of regional concern satisfy regional, state, and federal laws.
- **Policy HP-5.2: Migratory Birds.** Identify and protect habitats that contribute to the healthy propagation of migratory birds, including trees and natural corridors that serve as stopovers and nesting places. Avoid construction activities that involve tree removal between March and June, unless a bird survey has been conducted to determine that the tree is unused during the breeding season by avian species protected under California Fish and Game Codes 3503, 3503.5, and 3511.

[19] California Natural Diversity Database. 2022. RareFind GIS data output using Biogeographic Information and Observation System (BIOS). Available: https://www.wildlife.ca.gov/Data/CNDDB/Maps-and-Data. Accessed August 29, 2022.
[20] California Native Plant Society. 2022. Inventory of Rare and Endangered Plants (online edition, v8-02). Sacramento, CA: California Native Plant Society. Available: http://www.rareplants.cnps.org. Accessed August 29, 2022.
[21] U.S. Fish and Wildlife Service. 2022. Information, Planning, and Conservation (IPAC) online screening tool. Available: http://ecos.fws.gov/ipac. Accessed September 2, 2022.
[22] California Department of Fish and Wildlife. 2022. California's Wildlife Life History Accounts and Range Maps. Available online at https://wildlife.ca.gov/Data/CWHR/Life-History-and-Range.
[23] eBird. 2022. Peregrine Falcon Range Map. Available at https://ebird.org/map/perfal. Accessed on August 29, 2022.

- **Policy HP-5.5: Protection and Expansion of Tree Resources.** Continue to preserve and protect valuable native trees and introduce species that contribute to the urban forest but allow for the gradual replacement of trees for ongoing natural renewal. Consider replacement with native species. Use zoning and building requirements to ensure that existing trees are integrated into new developments.
- **Policy HP-5.6: Tree Preservation Ordinance.** Continue to adhere to the Burlingame Tree Preservation Ordinance (Burlingame Municipal Code Title 11); ensure the preservation of protected trees, as designated by the ordinance; and continue to be acknowledged by the Arbor Day Foundation as a Tree City USA.
- **Policy HP-5.7: Urban Forest Management Plan.** Continue to update and use the Burlingame Urban Forest Management Plan, which integrates environmental, economic, political, historical, and social values for the community for guidance on BMPs related to tree planting, removal, and maintenance, including onsite protection of extant trees and street trees during projects.

Therefore, the Project adheres to the criteria of CEQA Guidelines Section 15332I as a site that has no suitable habitat for endangered, rare, or threatened species.

3.1.4 Criterion Section 15332(d): Transportation

	Yes	No
Approval of the project would not result in any significant effects related to transportation.	☒	☐

3.1.4.1 Setting

A Transportation Impact Analysis (TIA) prepared by Kittelson & Associates Transportation Consultants in October 2022, as well as a TDM Plan, and both are included in this document as Appendix A-1 and A-2, *Transportation Impact Analysis*. The TIA describes existing and future conditions for transportation with and without the Project. In addition, the TIA includes information on regional and local roadway networks, pedestrian and transit conditions, and transportation facilities associated with the Project. For a more detailed analysis, including all tables and figures, please refer to Appendix A-2.

Senate Bill (SB) 743, which was codified in Public Resources Code (PRC) section 21099, resulted in changes to the CEQA Guidelines. PRC Section 21099 identifies vehicle miles traveled (VMT) as the appropriate metric to measure transportation impacts. PRC Section 21099 also identifies that level of service (LOS) or similar measures of vehicular capacity or traffic congestion would no longer be considered a significant impact on the environment. Therefore, this analysis focuses on the potential impacts on VMT.

3.1.4.2 Trip Generation

As mentioned previously, the Project site is currently vacant. For analysis of the Project, the TIA assumed trip generation rates for the proposed 475,790 sf office and R&D campus at 1669 and 1699 Old Bayshore Highway and 810 and 821 Malcolm Road.[24] The Project would generate 490 new

[24] Standard trip generation rates typically come from an Institute of Transportation Engineers publication titled *Trip Generation Manual* (11th edition [2021]). Project trip generation was estimated by applying the appropriate

vehicle trips (344 inbound, 146 outbound) during the weekday AM Peak Hour, and 366 new vehicle trips (83 inbound, 283 outbound) during the PM Peak Hour. This is a conservative estimate because it does not include a reduction in the number of trips taken due to the Project's proximity to the Millbrae multimodal transit station, approximately 0.80 mile away, or due to the Project's TDM program.

3.1.4.3 Vehicle Miles Traveled

SB 743 requires lead agencies to select a VMT methodology, choose significance thresholds, and determine feasible mitigation measures. Because the City has not established standards regarding VMT, the Governor's Office of Planning and Research (OPR) has provided technical guidance that recommends use of a threshold for new developments that is 15 percent below baseline, or existing, conditions.[25] Per OPR's guidance for residential projects, existing VMT per capita may be measured as regional VMT per capita or as City VMT per capita. Therefore, for the purposes of the VMT analysis for this Project, a significant impact related to VMT is assumed to occur if VMT associated with the Project is more than 15 percent below existing regional VMT.

Because VMT in the Project's TAZ is 19, the Project proposes to implement a TDM plan to achieve a VMT per person of 15.7, which is 15 percent below the City average, in conformance with OPR guidelines. Refer to the Project's TDM plan in Appendix E (Table 6). Therefore, with implementation of the TDM plan program, the Project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b), and the Project's impact on VMT would be ***less than significant***.

3.1.4.4 Roadway Segments

As the Congestion Management Agency for San Mateo County, the C/CAG is responsible for maintaining the performance and standards of the roadway network. Per C/CAG's Transportation Demand Management Policy Update Approach, new office projects greater than 50,000 sf that are anticipated to generate at least 500 average daily trips would be subject to TDM policy and must implement associated measures to achieve a 35 percent reduction in vehicle trips. As identified in Section 1, *Project Description*, the Project applicant would implement TDM measures that would reduce net peak hour trip generation. The TIA and TDM plan, which are included as Appendix A-1 and A-2 to this document, identifies the Project TDM measures that satisfy C/CAG requirements and result in at least a 35 percent reduction in vehicle trips.[26] Therefore, the Project would result in ***less-than-significant*** impacts on roadway segments.

trip generation rates obtained from the *Trip Generation Manual* to the size and uses of the development. The land use categories for R&D Center (ITE Code 760) and Coffee/Donut Shop without Drive-Through Window (ITE Code 936) were applied for the proposed uses for the TIA analysis. At the time that the TIA was prepared, the specific tenants of the proposed ground-floor commercial space was uncertain; therefore, in order to provide a conservative estimate of the potential travel demand associated with the commercial use, the ITE "Bread/Bagel Shop" category was used. This use corresponds to a café that would be open throughout the day.

[25] Governor's Office of Planning and Research. 2018. *Technical Advisory on Evaluating Transportation Impacts in CEQA*. Available: https://www.opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf. Accessed: September 7, 2022.

[26] See TDM discussion on pages 18 through 21 of the TIA.

3.1.4.5 Access and Circulation

As mentioned previously, the Project site is currently vacant. The Project would provide 947 total parking spaces on site, including 38 surface parking spaces, 909 parking spaces within the nine-level parking structure, and 11 street parking spaces, to fulfill the City's parking requirements. The parking garage would be accessible from two driveways: one on Malcolm Road and one on Stanton Road.

Access points for parking facilities are required to be free and clear of obstructions to provide adequate sight distance in accordance with the California Department of Transportation (Caltrans) stopping sight distance standards, thereby ensuring that drivers see pedestrians on the sidewalk, as well as bicycles and other vehicles. The Project site plans show a lack of obstruction in both directions, giving a driver the ability to see oncoming vehicles, pedestrians, or bicyclists; therefore, the Project driveways on Malcolm Road and Stanton Road would meet the Caltrans stopping sight distance standards. In addition, any landscaping, signage, or above-ground transformers would be required to be installed to ensure an unobstructed view for drivers when exiting the site. Additional design features of the project include special paving materials and elevation of a portion of Malcolm Road to sidewalk level to create a pedestrian-oriented environment that would discourage vehicle traffic and encourage slower speeds. In addition to this, the project would provide pedestrian plazas and new sidewalks along the project frontages to ensure adequate pedestrian circulation throughout the Project site.

The design features of the Project would not include hazardous designs or incompatible uses. The project would not change the existing roadway system. The Project site, including parking facilities, would be easily accessible by emergency service vehicles. The Fire Marshal reviewed and approved the Project site plan and the Alternative Means of Protection (AMP) request for the parking garage. Internal driveways have been designed to meet fire department standards for emergency access.

Based on the analysis above, the Project would not substantially increase hazards due to a geometric design feature or incompatible use. The Project also would not result in adequate emergency access. The Project's impacts related to access and circulation at the Project site would be ***less than significant***.

3.1.4.6 Bicycle and Pedestrian Facilities

The San Francisco Bay Trail is a multi-use path that runs along the San Francisco Bay and connects Burlingame to the adjacent communities of Millbrae and San Mateo. As mentioned previously, the Project site is approximately 0.10-mile from the existing trail access point at the Old Bayshore Highway and Malcolm Road intersection. Currently, this is an unsignalized intersection, and does not provide dedicated time for pedestrians or bicyclists to cross the street. However, the Project applicant is currently working with the City to install new treatments at the intersection to increase the comfort and safety of pedestrians and bicyclists crossing the street to access the trail as part of the Project. The crosswalk improvements and treatments would be subject to review and approval by the City's Public Works Department, and may include high-visibility crosswalks, ADA-compliant curb ramps, signage, bulb-outs, painted safety zones, and rapid flashing beacons. In addition, the Project would include 52 bicycle long-term parking spaces in an access-controlled bicycle room, as well as 16 short-term on-site outdoor bicycle parking spaces, for a total of 68 bicycle parking spaces. The Project would not remove any bicycle facilities, nor would it conflict with any adopted plans or policies for new bicycle facilities, thus resulting in ***less-than-significant*** impacts.

Pedestrian facilities in the vicinity consist of sidewalks, crosswalks, and signals at intersections. The Project is expected to increase the number of pedestrians using the sidewalks and crosswalks in the area. There are existing crosswalks in the Project vicinity at the intersections of Old Bayshore Highway, Stanton Road, and Malcolm Road. However, the Project would incorporate pedestrian-realm expansions and improvements. Specifically, the Project would install special paving materials and elevate a portion of Malcolm Road to sidewalk-level to create a pedestrian-oriented environment that would generally discourage vehicle traffic and encourage slower speeds. In addition, there would be pedestrian plazas near the entrances to the proposed buildings, and new sidewalks constructed along the Project frontages. Furthermore, as mentioned above, the Project would also include a new crosswalk at Old Bayshore Highway and Malcolm Road to connect to the existing San Francisco Bay Trail access point for all businesses on Malcolm Road. These improvements would increase visibility of the crossing, causing motorists to slow down and be more conscious of pedestrian crossings. Because the Project would improve pedestrian infrastructure in the area, compared with existing conditions, impacts would be ***less than significant***.

3.1.4.7 Transit

The Project would be approximately 0.80 mile from the Millbrae multimodal transit station, which supports Bay Area Rapid Transit (BART), Caltrain, SamTrans, and commuter buses. Given the Project site's proximity to transit services, it could be expected that a portion of the trips by residents would be made by public transit or nearby private commuter shuttles. Furthermore, there is one SamTrans southbound bus stop south of Stanton Road, and one SamTrans northbound bus stop north of Stanton Road, as well as an additional bus stop on Old Bayshore Highway at Mitten Road, which serves both SamTrans and the Burlingame Bayside Shuttle Bus. In addition, two bus stops are southeast of the project site, 1600 Bayshore Highway and 1601 Bayshore/Hinckley, that serve the Burlingame Bayside Shuttle Bus. These new riders may use BART, Caltrain, the Burlingame-Bayside BART/Caltrain Shuttle, or commuter shuttle services. According to the TIA, existing transportation services have adequate capacity to accommodate this increase in ridership. The Project would not remove any transit facilities, nor would it conflict with any adopted plans or policies associated with new transit facilities, resulting in ***less-than-significant*** impacts.

3.1.4.8 Consistency with Circulation Plans and Policies

Applicable circulation plans and policies include PRC Section 21099 (SB 743); Chapter 7, *Circulation and Parking*, of the City's 2040 General Plan; and the City's Bicycle and Pedestrian Master Plan, adopted in December 2020. As discussed above, the Project would have a less-than-significant impact on VMT, and therefore would not conflict with PRC Section 21099.

The 2040 General Plan has a goal to improve transit access, frequency, connectivity, and amenities to increase transit ridership and convenience.[27] The Project is approximately 0.80 mile from the Millbrae multimodal transit station, which provides Caltrain, Bay Area Rapid Transit, San Mateo County Transit District (SamTrans), and additional transit and shuttle services.[28] The Project would promote continued use of public transit facilities/services. It is assumed that these bus and transit

[27] City of Burlingame. 2018. June. *2040 General Plan Draft EIR.* Available: https://cms6.revize.com/revize/burlingamecity/document_center/Planning/BurlingameGP_DEIR_FullDocument_06-28-2018.pdf. Accessed January 18, 2022.

[28] Caltrain. 2022. *Millbrae Transit Center*. Available: http://www.caltrain.com/stations/millbraetransitcenter.html. Accessed: August 1, 2022.

services would have adequate capacity to accommodate this minor increase in ridership. Furthermore, there is one SamTrans southbound bus stop south of Stanton Road, and one SamTrans northbound bus stop north of Stanton Road, as well as an additional bus stops on northbound and southbound on Old Bayshore Highway at Mitten Road, which serve both SamTrans and the Burlingame Bayside Shuttle Bus. In addition, there are two bus stops located southeast of the Project site, 1600 Bayshore Highway and 1601 Bayshore/Hinckley, that serve the Burlingame Bayside Shuttle Bus. The Project would not interfere with any existing bus route and would not remove or relocate any existing bus stops. Therefore, the Project's impact on transit services would be less than significant, and the Project would be consistent with goals identified by the 2040 General Plan.

The 2040 General Plan has a goal to develop a network of high-quality, convenient, safe, and easy-to-use bicycle facilities to increase the number of people who use bicycles for everyday transportation. The City Bicycle Transportation Plan has goals to improve existing bicycle routes, promote safe bicycle travel, and establish new connections. The project would include 68 bicycle parking spaces, including 16 public bicycle parking spaces. Included in the TDM measures are streets designed to encourage bike and pedestrian access, and improved pedestrian and bicycle connections to existing trails, bikeways, or adjacent streets. Therefore, the Project's impact on bicycle facilities would be less than significant, and the Project would be consistent with goals identified by the 2040 General Plan.

The City of Burlingame Bicycle and Pedestrian Master Plan has goals to create comprehensive, connected, and accessible bicycle and pedestrian networks, enhance safety and increase comfort for all road users, and implement policies and build infrastructure that foster active trips and enhance the experiences of pedestrians and bicyclists.[29] For the reasons stated in the above analysis regarding the 2040 General Plan bicycle facilities goal, the Project's TDM measures are consistent with the Bicycle and Pedestrian Master Plan. In particular, the Project design encourages bicycle and pedestrian access and improves pedestrian connections to existing trails and bikeways.

Based on the analysis above, the Project would not conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle, and pedestrian facilities, resulting in ***less-than-significant*** impacts.

3.1.5 Criterion Section 15332(d): Noise

	Yes	No
Approval of the project would not result in any significant effects related to noise.	☒	☐

3.1.5.1 Overview of Noise and Sound

Noise is commonly defined as unwanted sound that annoys or disturbs people and potentially causes an adverse psychological or physiological effect on human health. *Sound* is characterized by various parameters, including the rate of oscillation of sound waves (frequency), the speed of propagation, and the pressure level or energy content (amplitude). In particular, the sound pressure level is the most common descriptor used to characterize the loudness of an ambient (existing) sound level. Although the decibel (dB) scale, a logarithmic scale, is used to quantify sound intensity,

[29] City of Burlingame. 2020. *Bicycle and Pedestrian Master Plan*. Available: https://www.dropbox.com/sh/3082josca9f3pu3/AADTDIgIWsH_f6lAJr6I9LD7a?dl=0. Accessed: October 21, 2022.

it does not accurately describe how sound intensity is perceived by human hearing. The human ear is not equally sensitive to all frequencies in the entire spectrum; therefore, noise measurements are weighted more heavily toward frequencies to which humans are sensitive through a process referred to as A-weighting.

Human sound perception, in general, is such that a change in sound level of 1 dB cannot typically be perceived by the human ear, a change in sound level of 3 dB is just noticeable, a change of 5 dB is clearly noticeable, and a change of 10 dB is perceived as doubling or halving the sound level. A doubling of actual sound energy is required to result in a 3 dB (i.e., barely noticeable) increase in noise; in practice, this means that the volume of traffic on a roadway typically needs to double to result in a noticeable increase in noise.[30]

The dB level of a sound decreases (or attenuates) exponentially as the distance from the source of that sound increases. For a point source, such as a stationary compressor or construction equipment, sound attenuates at a rate of 6 dB per doubling of distance. For a line source, such as free-flowing traffic on a freeway, sound attenuates at a rate of 3 dB per doubling of distance.

With respect to construction noise, Chapter 15, *Noise and Vibration*, of the City's General Plan EIR does not identify specific thresholds of significance for temporary increases in noise during construction activities. However, the General Plan EIR discusses typical construction activities and the corresponding increase in noise that would occur, which is 11-39 dBA over ambient levels, depending on the type of existing setting (low-density residential, high-density residential, commercial, etc.). The General Plan EIR notes that such increases could be considered a substantial increase in temporary noise levels. This analysis uses the same analytical approach as the General Plan EIR.

For operational noise, the analysis also uses the same analytical approach as the General Plan EIR. For transportation-related operational noise, the General Plan EIR uses thresholds of 3 dB and 5 dB for evaluating a project's traffic noise increase, depending on the background noise level of the specific area. Consistent with the General Plan EIR analysis, this analysis determines whether the increase in traffic from the Project would cause a noticeable increase (i.e., 3 dB), which is the lower and more conservative threshold option. For stationary sources of operational noise, the General Plan EIR does not identify specific quantitative thresholds. Instead, it evaluates project consistency with General Plan policies that have been designed to ensure compliance with the City's municipal code for stationary noise sources. For this analysis, that same approach is used.

3.1.5.2 Overview of Ground-borne Vibration

Ground-borne vibration is an oscillatory motion of the soil with respect to the equilibrium position. It can be quantified in terms of velocity or acceleration. Variations in geology and distance result in different vibration levels, including different frequencies and displacements. In all cases, vibration amplitudes decrease with increased distance.

Operation of heavy construction equipment creates seismic waves that radiate along the surface of and downward into the ground. These surface waves can be felt as ground vibration. Vibration from the operation of construction equipment can result in effects that range from annoyance for people

[30] California Department of Transportation. 2013a. *Technical Noise Supplement to the Traffic Noise Analysis Protocol*. September. Available: https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/tens-sep2013-a11y.pdf. Accessed: September 1, 2022.

to damage for structures. Perceptible ground-borne vibration is generally limited to areas within a few hundred feet of construction activities. As seismic waves travel outward from a vibration source, they cause rock and soil particles to oscillate. The actual distance that these particles move is usually only a few ten-thousandths to a few thousandths of an inch. The rate or velocity (in inches per second) at which these particles move is the commonly accepted descriptor of vibration amplitude, referred to as peak particle velocity (PPV).

Vibration amplitude attenuates (or decreases) over distance. This attenuation is a complex function of how energy is imparted into the ground, as well as the soil or rock conditions through which the vibration is traveling (variations in geology can result in different vibration levels). The following equation is used to estimate the vibration level at a given distance for typical soil conditions.[31]

$$PPV = PPV_{ref} \times (25/Distance)^{1.5}$$

Table 1 summarizes typical vibration levels generated by construction equipment (excluding pile driving, which is not anticipated) at a reference distance of 15 feet and other distances, as determined with use of the attenuation equation above.

Table 1. Vibration Source Levels for Construction Equipment

Equipment	PPV at 25 Feet	PPV at 50 Feet	PPV at 75 Feet	PPV at 100 Feet	PPV at 175 Feet
Caisson drill	0.089	0.0315	0.0171	0.0111	0.0048
Large bulldozer	0.089	0.0315	0.0171	0.0111	0.0048
Loaded trucks	0.076	0.0269	0.0146	0.0095	0.0041
Jackhammer	0.035	0.0124	0.0067	0.0044	0.0019
Small bulldozer	0.003	0.0011	0.0006	0.0004	0.0002

Source: Federal Transit Administration. 2018. *Transit Noise and Vibration Impact Assessment Manual*. Office of Planning and Environment. Available: https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf. Accessed: September 1, 2022.
PPV = peak particle velocity.

3.1.5.3 Regulatory Setting

There are no federal noise standards that are directly applicable to the Project. With regard to state regulations, Title 24 of the CCR, Part 2 (California Noise Insulation Standards), establishes minimum noise insulation standards to protect persons within new hotels, motels, dormitories, long-term care facilities, apartment houses, or dwellings other than single-family residences.

With respect to local noise standards, two regulatory sources are applicable to the Project: the 2040 General Plan and the Municipal Code. The applicable noise standards from these two sources are described below.

2040 General Plan

2040 General Plan, Chapter 8, Community Safety Element, establishes noise and land use compatibility standards to guide new development. It provides goals and policies to reduce the harmful and annoying effects of excessive noise in the City.

[31] PPV_{ref} is the reference PPV at 25 feet.

The policies relevant to the Project include the following.

- **Policy CS-4.1**: Locating noise-sensitive uses away from major sources of noise
- **Policy CS-4.3**: Requiring the design of new office development to comply with protective noise standards
- **Policy CS-4.7**: Monitoring noise impacts from aircraft operations at San Francisco International Airport (SFO) and Mills-Peninsula Medical Center
- **Policy CS-4.8**: Requiring the evaluation, and mitigation, if necessary, of airport noise impacts if a project is located within the 60 CNEL contour line of SFO
- **Policy CS-4.9**: Complying with real estate disclosure requirements pertaining to existing and planned airports within 2 miles of the sale or lease of a property
- **Policy CS-4.10**: Requiring development projects subject to discretionary approval to assess potential construction noise impacts on nearby sensitive uses and minimize impacts consistent with the Municipal Code
- **Policy CS-4.13**: Requiring a vibration impact assessment for projects that would use heavy-duty equipment and be located within 200 feet of an existing structure or sensitive receptor

The Community Safety Element of the 2040 General Plan also includes noise compatibility criteria for each category of land use in the City. Office land uses are considered conditionally acceptable at noise levels between L_{dn} 65 dB and 75 dB, which means that new development should be undertaken after a detailed analysis of noise reduction requirements is conducted and noise insulation features have been included in the design. Figure 8, which is from the Community Safety Element, shows the outdoor noise levels that are suitable for the various land use categories.

City of Burlingame Municipal Code

The Building Construction section of the Municipal Code establishes daily hours for construction in the City. Section 18.07.110 states that no person will erect, demolish, alter, or repair any building or structure outside the hours between 7:00 a.m. and 7:00 p.m. on weekdays or 9:00 a.m. and 6:00 p.m. on Saturdays; no construction will take place on Sundays and holidays, except under circumstances of urgent necessity in the interest of public health and safety. An exception, which must be approved in writing by the Chief Building Official, will be granted for a period of no more than 3 days for structures with a gross floor area of less than 40,000 gsf when reasonable to accomplish erection, demolition, alteration, or repair work; the exception will not exceed 20 days for structures with a gross floor area of 40,000 gsf or greater.

The Municipal Code also contains standards that limit noise from mechanical equipment, such as air-conditioners and generators, to 60 dBA during the daytime hours of 7:00 a.m. to 10:00 p.m. and 50 dBA during the nighttime hours of 10:00 p.m. to 7:00 a.m. (Section 25.58.050).

3.1.5.4 Existing Noise Environment

As mentioned previously, the Project site is currently vacant. Existing noise sources at the Project site include on-road vehicles and aircraft taking off and landing at SFO, which is approximately 0.5 mile from the Project site. Similar to most urban areas, the Project area is dominated by traffic noise. This is because the Project site is adjacent to Bayshore Highway and within 1,000 to 1,500 feet from US 101. Parking lot noises, such as engines starting, doors slamming, car alarms activating, or vehicle backup alarms sounding, also influence the noise environment at the Project site. There are several parking lots on nearby parcels that generate parking lot noises.

Existing noise levels at the Project site are best characterized by the short-term measurement from Site 7, as presented in the *City of Burlingame 2040 General Plan Draft EIR* (General Plan Draft EIR). Short-term Site 7 from the 2040 General Plan EIR was located on Hinckley Road approximately 1,000 feet southeast of the Project site. Measurements for the 2040 General Plan EIR had a duration of 30 minutes and were taken during daytime hours. At Site 7, noise levels ranged from 58.4 to 59.1 dBA L_{eq}.[32]

Noise-Sensitive Land Uses

Noise-sensitive land uses are generally defined as locations where people reside or the presence of unwanted sound could adversely affect the use of the land. Noise-sensitive land uses typically include single- and multifamily residential areas, health care facilities, lodging facilities, and schools. Recreational areas where quiet is an important part of the environment can also be considered sensitive to noise. Some commercial areas may be considered noise sensitive as well, such as the outdoor restaurant seating areas.

The Project site is surrounded by various types of land uses, and the uses are nearly exclusively non-residential. Overall, the most common land uses in the Project vicinity are light industrial (e.g., warehouses, food processing facilities) and commercial (e.g., offices, retail stores), with accompanying parking lots.

Additionally, there are several hotels in the Project vicinity, which may be sensitive to noise during the nighttime hours, and some recreational areas at the waterfront. The nearest hotel, Hampton Inn, and Suites, is approximately 25 feet from the Project site, whereas the SFO Marriott Waterfront is approximately 120 feet from the Project site. There is also a children's learning center, the Learning Studios at 845 Malcolm Road (250 feet away) and Peninsula High School (775 feet away) at 860 Hinckley Road. These noise-sensitive land uses noted here could be adversely affected by substantial increases in noise.

3.1.5.5 Noise Effects

Rooftop Heating, Ventilation, and Air-Conditioning Equipment Noise and Other Operational Noise Sources

Mechanical heating and cooling equipment (e.g., heating, ventilation, and air-conditioning [HVAC] and chillers) would be located on the roofs of both buildings and would be enclosed with parapet walls to address noise. These features would reduce noise from the heating and cooling equipment such that the noise attenuation for this building equipment would be consistent with the noise requirements of Section 25.58.050 of the Municipal Code.

In addition to HVAC equipment, seven 500-kW emergency generators would be installed at the Project site, which would create temporary noise from regular testing and during power outages. It is anticipated that the generators at the Project site would each generate a noise level of 75 dB at a distance of 23 feet.[33] The generators would be located approximately 100 feet from the nearest noise-sensitive land use (Hampton Inn and Suites). At this distance, noise from the generators would

[32] City of Burlingame. 2018. *Burlingame 2040 General Plan Draft EIR.* Chapter 15, Noise and Vibration. Available: https://cms6.revize.com/revize/burlingamecity/document_center/Planning/BurlingameGP_DEIR_FullDocument_06-28-2018.pdf. Accessed: September 1, 2022.

[33] Generac Power Systems. 2020. Emergency Generator Noise Specifications for Emergency Generators

attenuate geometrically by 6 dB. Additional attenuation would likely occur from building shielding and ground effects. In general, sound levels from emergency generators vary, based on exact placement, the type of generator, and the noise attenuation incorporated into the design, but these details are not fully available at this stage of Project design. However, it is known that all generators would be located within sound enclosures. Additionally, the Project design details are governed by the limits established by Section 25.58.050 of the Municipal Code. The Project's generators would be required to comply with the Municipal Code noise limits, and the Project sponsor would be required to ensure sufficient attenuation features are included in the Project design.

Regardless, the generator would need to comply with a 60 dBA noise limit during the daytime hours of 7:00 a.m. to 10:00 p.m. and 50 dBA during the nighttime hours of 10:00 p.m. to 7:00 a.m. Chapter 15 of the 2040 General Plan EIR concludes that stationary-source noise impacts from HVAC equipment and other non-transportation noise sources would be less than significant, because the equipment and sources would be required to comply with the provisions of the Municipal Code that pertain to such sources.[34] As noted in the General Plan Draft EIR, "stationary and other sources of noise would be controlled by the proposed General Plan goals and policies, as well as the City's Municipal Code, which provide requirements for limiting certain specific non-transportation noise source impacts." Consequently, noise impacts from the use of emergency generators at the Project site would be less than significant

Other sources of noise during Project operations may include landscaping activities, building maintenance, garbage collection, and human voices. As discussed previously, the nearest noise-sensitive land uses are 25 feet away from the Project site, at a hotel. As stated above, 2040 General Plan EIR Chapter 15, *Noise and Vibration*, concludes that stationary-source noise impacts from HVAC equipment and other non-transportation noise sources would be less than significant because the equipment and sources would be required to comply with the provisions of the Municipal Code that pertain to such sources.[35] Therefore, noise impacts from other operational noise sources at the Project site would be ***less than significant***.

Traffic Noise

Traffic would increase in the area as a result of Project implementation. To analyze the potential effect of the Project on traffic volumes, traffic noise changes on Bayshore Highway have been evaluated. Traffic noise has been estimated using the trip rates for the Project and existing roadway volumes from the City's General Plan.[36] The volumes were used to calculate existing and existing + Project noise levels using calculations consistent with the Federal highway Administration's Traffic Noise Model, Version 2.5.[37]

[34] City of Burlingame. 2018. *Envision Burlingame Draft Environmental Impact Report.* June 28. Available: https://cms6.revize.com/revize/burlingamecity/document_center/Planning/BurlingameGP_DEIR_FullDocument_06-28-2018.pdf. Accessed: September 2, 2022.

[35] City of Burlingame. 2018. *Envision Burlingame Draft Environmental Impact Report.* June 28. Available: https://cms6.revize.com/revize/burlingamecity/document_center/Planning/BurlingameGP_DEIR_FullDocument_06-28-2018.pdf. Accessed: September 2, 2022.

[36] City of Burlingame. 2019. General Plan Update Draft Environmental Impact Report, Appendix D (Hexagon Traffic Data). Available: https://www.burlingame.org/departments/planning/general_plan_update.php Accessed December 6, 2021.

[37] Federal Highway Administration. 2022. Available: https://www.fhwa.dot.gov/environment/noise/traffic_noise_model/. Accessed: September 6, 2022.

Traffic noise on Bayshore Highway, from Broadway to Malcolm Drive and from Malcolm Drive to the US 101 Northbound ramp (off Millbrae Avenue) would increase by 1.2 dB with implementation of the Project. The existing and existing + Project noise levels on these roadway segments can be found in Appendix D, *Air Quality Assessment and Supporting Noise Information*. As discussed previously, an increase of 3 dB is considered to be barely noticeable by the human ear and not a substantial increase. The majority of Project-generated traffic (approximately 60 percent) would occur along Old Bayshore Highway, and thus the 1.2 dB increase is likely to be the worst-case scenario. Fewer portions of Project-generated traffic would occur on other roadways, such that 39 percent of AM peak hour trips (191 trips) and 37 percent of PM peak hour traffic (135 trips) would be dispersed on Broadway, Rollins Road, Carolan Drive, and California Drive.[38] These increases in traffic volumes on these roadways are not likely to be sufficient to result in a noticeable change in existing ambient traffic noise. The loudest Project-induced increase (i.e., a 1.2 dB increase) would not be noticeable to the human ear, because such an increase would be less than the threshold of what is considered a noticeable increase in noise. Therefore, the increase in traffic volumes relative to the existing volumes on Bayshore Highway would result in noise that would not be noticeable to the human ear. Because the increase would not be noticeable, the impacts of traffic noise would be ***less than significant***.

Construction Noise

The Project would demolish onsite structures and construct two new buildings. Demolition and construction activities would generate noise, resulting in a temporary increase in sound levels at adjacent land uses.

Construction noise levels in the vicinity of the Project site would fluctuate depending on the particular type and number of equipment and the duration of usage for the varying equipment. The effects of construction noise largely depend on the type of construction activities occurring on any given day; noise levels generated by those activities; distances to noise sensitive receptors; potential noise attenuating features, such as vegetation and existing structures; and the existing ambient noise environment in the vicinity of noise-sensitive land uses. Construction generally occurs in several discrete stages, each phase requiring a specific set of equipment with varying equipment type, quantity, and intensity, which change the effects on the noise environment of the Project site and surrounding area during the construction process.

The Project is anticipated to be built over approximately two years. It is anticipated that construction of infrastructure would begin in 2022 and be completed in 2024. Construction activities would occur in multiple stages, with a majority of the grading and site improvements occurring first. Construction activities associated with the grading and site improvement phases would include excavation and relocation of soil on the site, backfilling and compaction of soils, and construction of utilities and service systems. The placement of piles has the potential to generate the highest levels of noise from the use of pile drivers; however, the installation method for the piles will be auger pressure grouted piles, not driven piles. As a result, there would be no percussive sounds generated during installation, only noise from normal operation of the equipment typical of other phases of the Project.

Site preparation (e.g., infrastructure, utilities, grading) could potentially overlap with building construction and, therefore, the equipment likely to be used during these two phases were

[38] Kittelson & Associates. 2022. *1699 Bayshore (Nomar Life Science) Traffic Impact Analysis*. Pages 11 and 12.

combined to represent a worst-case construction scenario in which four pieces of construction equipment would be operating simultaneously. Typical noise levels generated by construction equipment anticipated to be used are identified in Table 2.

Table 2. Noise Emission Levels from Construction Equipment

Equipment Type	Typical Noise Level (dBA) at 50 feet
Grader	85
Dozer	85
Auger Drill	85
Loader/Backhoe	80
Scraper	85
Crane	85
Boring Jack Power Unit	80
Forklift	85
Paver	85
Roller	85
Air Compressor	80
Generator Set	82
Welder	73

dBA = A-weighted decibels.

Based on the information provided in Table 2, and accounting for typical usage factors of individual pieces of equipment and activity types, worst-case construction-related activities could result in noise levels of up to 91 dBA L_{eq} and 95 dBA L_{max} at 50 feet from the acoustical center of the construction site. The closest sensitive land use that will be affected by the construction noise is located 70 feet to the north-east of the Project site (the Hampton Inn and Suites hotel).

The nearest noise-sensitive receptors that could be adversely affected by construction noise are shown in Table 3, which also shows the distance to and daytime noise exposure levels at each location. The noise levels have been estimated for the closest possible construction activity-to-receptor distance (i.e. the analysis assumes construction occurs at the Project boundary). These values represent a conservative assessment, because they do not account for any shielding provided by existing buildings, and, as stated above, the modeling assumes that four of the highest noise-generating pieces of equipment could operate simultaneously in close proximity to each other near the boundaries of the Project site.

Table 3. Noise Emission Levels from Construction Equipment

Sensitive Receptor	Distance to Project Site (feet)	Daytime Construction Noise Exposure Level at Sensitive Receptor [1]	
		L_{eq} (dB)	L_{max} (dB)
Hampton Inn and Suites	70	83.3	87.3
San Francisco Airport Marriott Waterfront	115	70.0	83.0
Residence on California Avenue and Rosedale Avenue	3,380	38.0	42.0

Source: Data modeled by Ascent Environmental in 2021.

Notes:

[1] Assumes all equipment is fitted with a properly maintained and operational noise control device, per manufacturer specifications. Noise levels listed are manufacture-specified noise levels for each piece of heavy construction equipment.

dB = decibels; L_{ed} = equivalent continuous sound level; L_{max} = maximum sound level.

The Burlingame 2040 General Plan Draft EIR addressed construction noise impacts and identified that construction activities could increase noise levels in commercial and industrial areas, similar to the Project area, by 11 to 28 dBA above ambient conditions.[39] As shown in Table 3, short-term noise levels could generate noticeable increases in noise levels at the hotel sites and other receptors in the Project area, consistent with the noise increases identified in the General Plan EIR. Importantly, the proposed construction activities would occur during the daytime hours and not during typical sleep periods.

Outdoor construction activities would only be conducted during daytime hours and within the allowable hour for construction activity established by the City's municipal code (i.e., between the hours of 7:00 a.m. and 7:00 p.m. on weekdays or 9:00 a.m. and 6:00 p.m. on Saturdays). The Project sponsor is currently requesting a waiver to extend the allowable construction hours for the project to 7:00 a.m. and 6:00 p.m. on Saturdays. The Project sponsor is currently requesting a variance to extend the allowable construction hours for the Project to 7:00 a.m. and 7:00 p.m. on weekdays and 7:00 a.m. and 6:00 p.m. on Saturdays. However, it is anticipated that construction activities during the first hour of construction would focus on mobilization of the site and would not require the use of heavy-duty construction equipment. As a result, noise levels would be substantially lower than the values in Table 3 during this period and would not result in potential annoyance or disturbance to sensitive land uses. Furthermore, through the process of issuing building permits, the City has the ability to condition the permit such that on-site operations are required to comply with adopted City code, which has time limits for certain noise-generating activities. Presuming that the variance is granted, the conditions on the permit would ensure that noise-generating activities do not occur before 8:00 AM. If the variance is not granted, Project construction would be conducted during the allowable hour for construction activity. In either scenario, construction activity would only be occurring during daytime hours. The Project sponsor has also committed to noise-reduction measures consistent with Mitigation Measure 15-1 from the City's 2040 General Plan EIR, which would involve the implementation of construction noise measures. Implementation of these measures in addition to the restriction of construction to daytime hours would avoid significant impacts, consistent with the City's General Plan.

[39] City of Burlingame. 2018. June. *2040 General Plan Draft EIR.* Available: https://cms6.revize.com/revize/burlingamecity/document_center/Planning/BurlingameGP_DEIR_FullDocument_06-28-2018.pdf. Accessed January 18, 2022.

With implementation of a design feature (i.e., develop a Construction Noise Control Plan, as outlined in the *Project Description* section) as part of the Project, the increase in construction noise would be minimized and less than significant. As described in the *Project Description* section, the Construction Noise Control Plan would be developed by the applicant and include measures such as:

- Construction management techniques include siting of staging areas away from noise-sensitive land uses near the Project site;
- Implementation of construction equipment noise controls that include ensuring construction equipment have mufflers and use of electrical hook-ups rather than generators when available and needed;
- Monitoring of actual construction noise to verify effectiveness of noise controls.

Aircraft Noise Impacts

The Project site is 0.8 miles from the nearest runway at SFO and approximately 0.9 miles from the helicopter landing pad at Mills-Peninsula Medical Center. Medical helicopters use the landing pad periodically and generate noise during takeoff and landing. The Project would not result in any appreciable changes in noise levels at either SFO or the heliport at Mills-Peninsula Medical Center. Therefore, the impact of aircraft noise on new occupants at the Project site would not require evaluation under CEQA;[40] however, this type of impact is analyzed in the General Plan EIR. A brief discussion of aircraft noise is included here for informational purposes.

The Project site is not inside the 65 dBA CNEL contour for SFO, as shown in the *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport,*[41] but is inside the 60 dBA CNEL contour. As stated in the General Plan EIR, impacts related to the exposure of new sensitive land uses to airport noise are considered less than significant because Policies CS-4.7, CS-4.8, and CS-4.9 of the 2040 General Plan ensure that new development is adequately protected from aircraft noise at SFO. Because the Project site would be within the 60 dBA CNEL contour, implementation of 2040 General Plan Policy CS-4.8 would be applicable. Additionally, 2040 General Plan Policy CS-4.9 would be applicable because the Project site is within 2 miles of SFO; certain real estate disclosure requirements would also apply. In addition, the Project would be located near Mills-Peninsula Medical Center. Therefore, 2040 General Plan Policy CS-4.7 would be required to monitor noise impacts from the heliport.

Regardless of the aircraft noise effects that may be experienced by future occupants at the Project site, such effects are not considered to be a CEQA issue because the Project would not worsen aircraft noise that would affect existing land uses. Consequently, the impact pertaining to aircraft noise would be ***less than significant.***

[40] Pursuant to a recent Supreme Court decision in *California Building Industry Association vs. Bay Area Air Quality Management District*, CEQA does not require an analysis of how existing environmental conditions affect a project's residents or users, unless the project would exacerbate those conditions.

[41] City/County Association of Governments of San Mateo County. 2012. *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport*. November. Available: http://ccag.ca.gov/wp-content/uploads/2014/10/Consolidated_CCAG_ALUCP_November-20121.pdf. Accessed: September 1, 2022.

3.1.5.6 Vibration Effects

Operation of heavy construction equipment creates seismic waves that radiate along the surface of and downward into the ground. These surface waves can be felt as ground vibration. Vibration from the operation of construction equipment can result in effects that range from annoyance for people to damage for structures. Perceptible ground-borne vibration is generally limited to areas within a few hundred feet of construction activities. As seismic waves travel outward from a vibration source, they cause rock and soil particles to oscillate. The actual distance that these particles move is usually only a few ten-thousandths to a few thousandths of an inch. The rate or velocity, expressed in inches per second, at which these particles move is the commonly accepted descriptor of vibration amplitude or PPV.

Vibration amplitude attenuates (or decreases) over distance. This attenuation is a complex function of how energy is imparted into the ground as well as the soil or rock conditions through which the vibration is traveling (variations in geology can result in different vibration levels). The following equation is used to estimate the vibration level at a given distance for typical soil conditions:[42]

$$PPV = PPV_{ref} \times (25/distance)^{1.5}$$

As shown in Table 1 above, the Project would require several different types of construction equipment. Although no pile driving would occur, construction would require the use of other equipment that may generate vibration. The equipment that would be used on the Project site and generate the most vibration during construction would be a loaded truck and a large bulldozer.

Table 4 summarizes the typical vibration levels generated by construction equipment, at a reference distance of 15 feet as well as other distances, as determined with the use of the attenuation equation above.

Table 4. Vibration Source Levels for Construction Equipment

Equipment	PPV at 25 Feet	PPV at 50 Feet	PPV at 75 Feet	PPV at 100 Feet	PPV at 175 Feet
Large bulldozer	0.089	0.0315	0.0171	0.0111	0.0048
Loaded trucks	0.076	0.0269	0.0146	0.0095	0.0041
Jackhammer	0.035	0.0124	0.0067	0.0044	0.0019
Small bulldozer	0.003	0.0011	0.0006	0.0004	0.0002

Source: Federal Transit Administration. 2018. *Transit Noise and Vibration Impact Assessment Manual*. Office of Planning and Environment. Available: https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf. Accessed: September 1, 2022.
PPV = peak particle velocity.

During Project operation, no impact equipment or other equipment associated with substantial ground-borne vibration would be used; therefore, vibration impacts would ***be less than significant*** during Project operations.

[42] PPV_{ref} is the reference PPV at 25 feet.

Vibration Damage

As discussed in Criterion 15300.2(f): Historical Resources, some buildings in the vicinity of the Project site could be considered "modern industrial/commercial buildings." The threshold for damage potential for this category of structure is a PPV of 0.5 inches per second (for continuous/frequent intermittent sources of vibration).[43]

Table 5 summarizes the guidelines developed by Caltrans for damage potential from transient and continuous vibration associated with construction activity. Activities that can cause continuous vibration include the use of excavation equipment, static compaction equipment, tracked vehicles, vehicles on a highway, vibratory pile drivers, pile extraction equipment, and vibratory compaction equipment.

Table 5. Vibration Damage Potential Threshold Criteria Guidelines

	Maximum PPV (in/sec)	
Structure and Condition	**Transient Sources [a]**	**Continuous/ Frequent Intermittent Sources [b]**
Extremely fragile historic buildings, ruins, ancient monuments	0.12	0.08
Fragile buildings	0.2	0.1
Historic and some old buildings	0.5	0.25
Older residential structures	0.5	0.3
New residential structures	1.0	0.5
Modern industrial/commercial buildings	2.0	0.5

Source: Caltrans. 2020. *Transportation and Construction Vibration Guidance Manual*. April. Available: https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/tcvgm-apr2020-a11y.pdf. Accessed: September 1, 2022.

Notes:
a. Transient sources create a single isolated vibration event (e.g., blasting or drop balls).
b. Continuous/frequent intermittent sources include impact pile drivers, pogo-stick compactors, crack-and-seat equipment, vibratory pile drivers, and vibratory compaction equipment.

PPV = peak particle velocity; in/sec = inches per second.

The equipment with the greatest potential to cause ground-borne vibration is a large bulldozer, which results in vibration levels of 0.089 PPV inch per second at a reference distance of 25 feet (Table 4). This level of vibration is below the levels for damage potential for all buildings except extremely fragile historic buildings, ruins, ancient monuments, and fragile buildings (Table 5). Because 25 feet is a reasonable worst-case distance between the location of construction equipment and the nearest adjacent buildings, and because there are no structures in the immediate vicinity that are considered extremely fragile or fragile, no damage would occur at any buildings near the Project site. Thus, the impact of vibration damage on buildings would be ***less than significant***.

[43] These building characterizations are used by Caltrans for the purposes of identifying potential building damage impacts. As a worst-case scenario, it assumed that some of the surrounding buildings fit best within the historic or older residential structure categories. However, these classifications are considered to be conservative and should not be used to infer any details on the actual age or condition of the surrounding buildings.

Vibration Annoyance

Table 6 summarizes the guidelines developed by Caltrans for annoyance potential from transient and continuous vibration associated with construction activity. As shown in Table 6, below, the limit of perceptibility for ground-borne vibration is a PPV of 0.04 and 0.01 inch per second for transient and continuous sources, respectively. Note that people are generally more sensitive to vibration during nighttime hours (when sleeping) than during daytime hours.

Table 6. Vibration Annoyance Potential Criteria Guidelines

	Maximum PPV (in/sec)	
Human Response	**Transient Sources [a]**	**Continuous/Frequent Intermittent Sources [b]**
Barely perceptible	0.04	0.01
Distinctly perceptible	0.25	0.04
Strongly perceptible	0.9	0.10
Severe	2.0	0.4

Source: Caltrans. 2013b. *Transportation and Construction Vibration Guidance Manual*. September. Available: http://www.dot.ca.gov/hq/env/noise/pub/TCVGM_Sep13_FINAL.pdf. Accessed: October 17, 2022.

Notes:

a. Transient sources create a single isolated vibration event (e.g., blasting or use of drop balls).

b. Continuous/frequent intermittent sources include impact pile drivers, pogo-stick compactors, crack-and-seat equipment, vibratory pile drivers, and vibratory compaction equipment.

PPV = peak particle velocity; in/sec = inches per second.

As discussed above, the estimated vibration level generated by a large bulldozer at 25 feet is a PPV of 0.089 inch per second. At the nearest vibration-sensitive structure 70 feet away (Hampton Inn and Suites), a large bulldozer would cause vibration that would be slightly greater than 0.0171 inch per second, based on the values in Table 4. This level of vibration would be greater than the barely perceptible threshold but well below the distinctly perceptible threshold, based on the values for transient sources in Table 6. Consequently, the Project would generate ground-borne vibration, but such vibration may only be barely perceptible by people residing in the hotel building. The vibration would not be considered substantial, because it would be well below what is considered distinctly perceptible and would occur infrequently and only during daytime hours. People are generally more sensitive to vibration during evening and nighttime hours when they may be sleeping. For the reasons discussed above, the impact of construction vibration related to annoyance at adjacent buildings is considered ***less than significant***.

3.1.6 Criterion Section 15332(d): Air Quality

	Yes	No
Approval of the project would not result in any significant effects related to air quality.	☒	☐

3.1.6.1 Regulatory Setting

The Project site is in the San Francisco Bay Area Air Basin (SFBAAB), which is under the jurisdiction of BAAQMD. BAAQMD adopted thresholds of significance to assist lead agencies in the evaluation and mitigation of air quality impacts under CEQA. The BAAQMD thresholds, which are incorporated

in the 2017 *CEQA Air Quality Guidelines,*[44] establish the levels at which emissions of ozone precursors (reactive organic gases and nitrogen oxides), particulate matter, local carbon monoxide (CO), and toxic air contaminants (TACs) would cause significant air quality impacts. The regulation of two fractions of particulate matter emissions is based on aerodynamic resistance diameters equal to or less than 10 microns (PM_{10}) and 2.5 microns ($PM_{2.5}$). The air quality analysis below uses the 2017 BAAQMD thresholds to evaluate the potential impacts of the Project.

3.1.6.2 Operational Emissions

Operational criteria air pollutants (CAPs) associated with the Project would be generated from vehicle trips, consumer products, landscaping equipment, and architectural coatings. Similarly, because the building would be all-electric and would not include natural gas infrastructure, it would not emit CAPs on site. For the purposes of this analysis, the operational emissions associated with the Project come from four distinct components: two life science buildings with 475,790 gsf, 6,390 gsf of ground floor retail space, a nine-story parking garage with 909 vehicle spaces, and seven emergency backup diesel-powered generators.

Operational emissions for these four components were quantified using California Emissions Estimator Model (CalEEMod version 2020.4.0) with defaults supplemented by Project-specific activity data provided by the Project applicant.

As shown in Table 7, the emissions from operational components would be well below the BAAQMD annual thresholds. Therefore, the Project would have a ***less-than-significant*** impact on air quality during operation and would not contribute a significant level of air pollution that would degrade regional air quality within the SFBAAB.

Table 7. Project Operational Emissions (pounds per day)

Emission Source	ROG	NO_X	CO	PM_{10} Exhaust	$PM_{2.5}$ Exhaust
Area	1	<1	<1	<1	<1
Energy	<1	<1	<1	<1	<1
Mobile	8	8	86	<1	<1
Total	**10**	**8**	**86**	**<1**	**<1**
BAAQMD Threshold	*54*	*54*	–	*82*	*54*
Exceed Threshold?	*No*	*No*	–	*No*	*No*

Source: Appendix D.
BAAQMD = Bay Area Air Quality Management District; CO = carbon monoxide; NO_X = nitrogen oxide; $PM_{2.5}$ = particulate matter no more than 2.5 microns in diameter; PM_{10} = particulate matter no more than 10 microns in diameter; ROG = reactive organic gas.

3.1.6.3 Construction Emissions

Construction of the Project has the potential to create short-term air quality impacts through the use of heavy-duty construction equipment, construction workers' vehicle trips, truck trips for material hauling, demolition, earthmoving, the application of architectural coatings, and paving. Estimated construction emissions would be short term, occurring for approximately 24 months.

[44] Bay Area Air Quality Management District. 2017. *California Environmental Quality Act Air Quality Guidelines.* May. Available: http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed: September 3, 2022.

CAPs generated by construction of the Project were quantified using CalEEMod. CalEEMod was run with model default values for some construction parameters and supplemented with data provided by the Project applicant for other construction parameters. The Project applicant has committed to using a mix of U.S. Environmental Protection Agency (EPA)-approved Tier 4 "final", Tier 4 "interim", and Tier 3 engines in all diesel-powered off-road equipment during construction. Table 7 summarizes the results of emissions modeling.

As shown in Table 7, construction of the Project would not generate reactive organic gases, nitrogen oxide, or particulate matter exhaust in excess of BAAQMD's numeric thresholds. Therefore, the Project would not result in the generation of construction-related CAPs that would exceed the numeric thresholds of significance. BAAQMD does not have any quantitative threshold values for fugitive dust ($PM_{2.5}$ and PM_{10}); however, BAAQMD considers implementation of BMPs for fugitive dust during construction adequate for reducing construction-related air quality impacts to a less-than-significant level. Compliance with BAAQMD's BMPs is required by Policy HP-3.12 in the 2040 General Plan. Policy HP-3.12 states the following:

> **HP-3.12: Construction Best Management Practices:** Require construction projects to implement the Bay Area Air Quality Management District's Best Practices for Construction to reduce pollution from dust and exhaust as feasible; require construction projects to transition to electrically-powered construction equipment as it becomes available; and seek construction contractors who use alternative fuels in their equipment fleet.

Accordingly, the Project applicant will ensure implementation of the following BMPs during Project construction, in accordance with BAAQMD's standard requirements:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, unpaved access roads) will be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material offsite will be covered.
- All visible mud or dirt track-out onto adjacent public roads will be removed using wet-power vacuum street sweepers at least once per day. The use of dry-power sweeping will be prohibited.
- All vehicle speeds on unpaved roads will be limited to 15 miles per hour.
- All roadways, driveways, and sidewalks that are to be paved will be paved as soon as possible. Building pads will be laid as soon as possible after grading, unless seeding or soil binders are used.
- Idling times will be minimized, either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure, Title 13, Section 2485 of CCR). Clear signage will be provided for construction workers at all access points.
- All construction equipment will be maintained and properly tuned, in accordance with manufacturer's specifications. All equipment will be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- A publicly visible sign with the name and telephone number of the person to contact at the lead agency regarding dust complaints will be posted. This person will respond and take corrective action within 48 hours. BAAQMD's phone number will also be visible to ensure compliance with applicable regulations.

Consequently, the Project would have a ***less-than-significant*** impact on air quality during construction and would not contribute a significant level of air pollution that would degrade regional air quality within the SFBAAB.

Table 8. Average Daily Criteria Pollutant Emissions from Project Construction (pounds per day)

Emission Source	ROG	NO_X	CO	PM_{10} Exhaust	$PM_{2.5}$ Exhaust
Average Daily Construction Emissions	2	20	7	<1	<1
BAAQMD Threshold	*54*	*54*	–	*82*	*54*
Exceed Threshold?	*No*	*No*	–	*No*	*No*

Source: Appendix D.
BAAQMD = Bay Area Air Quality Management District; CO = carbon monoxide; NO_X = nitrogen oxide; $PM_{2.5}$ = particulate matter no more than 2.5 microns in diameter; PM_{10} = particulate matter no more than 10 microns in diameter; ROG = reactive organic gas.

3.1.6.4 Localized Carbon Monoxide Hot Spots

Continuous engine exhaust may elevate localized CO concentrations, resulting in "hot spots." Receptors who are exposed to these CO hot spots may have a greater likelihood of developing adverse health effects. CO hot spots are typically observed at heavily congested intersections where a substantial number of gasoline-powered vehicles idle for prolonged durations throughout the day.

BAAQMD's screening guide for CO impacts requires projects to meet three criteria to result in a less-than-significant impact:

1. Be consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, a regional transportation plan, and local congestion management agency plans.
2. Do not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour.
3. Do not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., a tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

The Project consists of the redevelopment of existing sites and would not alter the roadway network that would impact transportation facilities in the Project area. The Project is to subject to City transportation demand management requirements in Chapter 25.43 of the City's Zoning Code that implements 2021 City/County Association of Governments of San Mateo County Congestion Management Program (Chapter 6, *Land Use Impact Analysis Program*). The Project's land uses are consistent with the City's General Plan land use designations and growth anticipated in Plan Bay Area 2050 (Project is located within the Plan Bay Area designated "High Resource Area"; state-identified places with well-resourced schools and access to jobs and open space, among other advantages, that may have historically rejected more housing growth). Thus, no conflict with the applicable transportation plans would occur.

Based on the traffic analysis conducted by Kittelson & Associates[45], intersections in the Project area (Old Bayshore Highway intersections with Mitten Road, Malcolm Road, and Stanton Road) would

[45] Kittelson & Associates. 2022. *1699 Bayshore (Nomar Life Science) Traffic Impact Analysis*. October.

have p.m. hour traffic volumes (with Project) that would range from 963 to 1,122 total vehicles and would not result in more than 44,000 vehicles per hour.

3.1.6.5 Construction-Generated Toxic Air Contaminants

The Project could expose sensitive populations to substantial pollutant concentrations from the generation of TACs during Project construction and operation. Construction of the Project would emit TACs in the form of diesel particulate matter (DPM) from heavy-duty vehicles and construction equipment throughout the construction period, which would be less than three years in duration.

BAAQMD recommends evaluating the potential impacts of TAC emissions on sensitive receptors within 1,000 feet of a project.[46] Per BAAQMD, typical sensitive receptors are residences, hospitals, and schools. Parks and playgrounds where sensitive receptors (e.g., children and seniors) are present would also be considered sensitive receptors.[47] The closest residential receptor to the Project site is 3,380 feet to south of the Project site (i.e., residence on California Avenue and Rosedale Avenue). There are two private schools and a high school within 1,000 feet of the Project site (Great Joy Chinese School, approximate 970 feet northwest of the Project site; Russian School of Math; approximately 1,000 feet northwest of the Project site; and Peninsula High School, approximately 800 feet southeast of the Project site). There is also a children's learning center, the Learning Studios at 845 Malcolm Road (250 feet away). In addition to the school sites, Bayfront Park is approximately 350 feet northeast of the Project site.

According to the BAAQMD, construction-generated DPM emissions contribute to negative health impacts when construction is extended over lengthy periods of time. The Project would comply with California regulations limiting idling to no more than 5 minutes, which would further reduce nearby sensitive receptors exposure to temporary and variable DPM emissions. Concentrations of mobile-source DPM emissions are typically reduced by 70 percent at a distance of approximately 500 feet.[48] As recommended in the BAAQMD CEQA Guidelines [49] the Project would implement BAAQMD's Basic Construction Mitigation Measures to help reduce exhaust related emissions. As noted in Section 1, *Project Description*, Project construction would use a mix of Tier 4 Final, Tier 4 Interim and Tier 3 heavy-duty construction equipment. As a result, Project construction would result in health risks below BAAQMD's project-level risk thresholds of 10 in one million cancer risk, a hazard index of 1 for chronic and acute health effects, and an annual $PM_{2.5}$ concentration increase of more than 0.3 ug/m^3, and would not expose sensitive receptors to substantial TAC emissions.

3.1.6.6 Operational-Generated Toxic Air Contaminants

To evaluate Project-generated operational TAC emissions and their potential to expose sensitive receptors to substantial pollutant concentrations, the anticipated sources associated with the operation of the buildings were assessed individually using BAAQMD's project-level thresholds. Each is described below, separately.

[46] Bay Area Air Quality Management District. 2017. *California Environmental Quality Act Air Quality Guidelines.* May. Available: http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed: October 19, 2022.

[47] Ibid.

[48] California Air Resources Board. 2005. *Air Quality and Land Use Handbook: A Community Health Perspective*. April.

[49] Bay Area Air Quality Management District. 2017. *California Environmental Quality Act Air Quality Guidelines.* May. Available: http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed: October 19, 2022.

The Project-level assessment considers the new TAC sources that would result from Project operation and assesses whether these would exceed the project-level risk thresholds of 10 in one million for cancer risk, a hazard index of 1 for chronic and acute health effects, or an annual $PM_{2.5}$ concentration increase of more than 0.3 micrograms of gaseous pollutant per cubic meter of ambient air (ug/m^3).

Operational TACs that could result from the Project include DPM emissions associated with building emergency standby generators, off-gassing of a variety of TACs that could occur from the potential wet laboratory uses within portions of the buildings, and DPM associated with diesel delivery trucks. It should be noted that BAAQMD is responsible for the control of TACs generated by stationary sources within the Project area, including any new stationary sources of TACs developed under the Project, such as diesel generators and hood fumes/building vents associated with laboratory uses. As part of the permitting process for new stationary sources of emissions, pursuant to BAAQMD Regulation 2, Rule 2, New Source Review, BAAQMD reviews the permit application and determines whether the source would have the potential to generate levels of TACs that would expose the local population to an incremental increase in cancer risk that exceeds 10 in one million or a noncarcinogenic hazard index of 1 for the maximally exposed individual. If either of these criteria is exceeded, then BAAQMD requires that the source incorporate Toxic Best Available Control Technology (T-BACT) and/or limit its operations to ensure that these criteria would not be exceeded. As a result, operation of any single new stationary source would not result in exposure of sensitive receptors to levels of health risk that would exceed BAAQMD's thresholds of significance.

Regarding new diesel generators, the south building would have four 500-kW emergency generators in a sound attenuated enclosure on the ground floor of the building, and the north building would have three 500-kW emergency generators in a sound attenuated enclosure on the ground floor. Considering that new diesel generators would be used only under emergency circumstances and temporarily for periodic testing, these sources would not result in substantial TAC emissions.

In addition, a review of existing sources in the local vicinity or zone of influence (i.e., within 1,000 feet as defined by BAAQMD) using BAAQMD's Stationary Source Screening Map was conducted that revealed a total of six sources, 5 of which are generators with cancer risk levels ranging from 0.28 chances in one million to 7.95 chances in one million, highest health hazard levels of 0.009, and highest $PM_{2.5}$ levels of 0.01 (see Table 9, below). Using these risk/emissions levels as a proxy for this analysis, risk/emissions levels from the proposed generators are anticipated to be similar or lower than existing sources in the area, which are all below BAAQMD project-level thresholds of 10 chances in a million for cancer risk, a hazard index of 1 for chronic and acute health effects, or an annual $PM_{2.5}$ increase of more than 0.3 ug/m^3.

In addition to new diesel generators, portions of the new buildings could potentially have wet laboratory uses that can, depending on the specific use, generate emissions from building vents. Although the exact emissions and TACs that could occur are unknown, examples of common TACs from laboratories include benzene, t-butyl alcohol, chloroform, ethanol, and formaldehyde. The precise use of new laboratory space is unknown at this time, but this assessment conservatively assumes that 60 percent of the new buildings could potentially have laboratories, resulting in a maximum of 285,474 sf of wet laboratory space. Because the actual laboratory use is unknown at this time, emission rates of specific TACs cannot be determined. However, as discussed above, during the building permitting phase of development, if any new stationary TAC sources would be constructed, compliance with BAAQMD rules and regulations would be required that would ensure

new sources comply with T-BACT (if appropriate), which could include emissions limits and/or emissions control technologies that would be appropriate for the specific source.

To provide context for the level of risk that could result from wet laboratory space, a Health Risk Assessment (HRA) conducted for the 2020 UC Berkeley Long Range Development Plan was referenced.[50] In this HRA, sources included 793,797 sf of wet laboratory space that included a hazardous materials facility, paint and solvent cleaning operations, lithographic/envelope printing, a cogeneration plant and central plant boilers, and diesel-powered backup generators. The maximum cancer risk was estimated to be 5.4 chances in a million with the diesel sources representing 69 percent of the risk; thus, 1.7 chances in a million risk can be attributed to the wet laboratory space of 793,797 sf. The combined hazard indices from all sources were 0.13 for chronic exposure and 0.29 for acute exposure. Based on these results for a facility that is much larger than the anticipated wet laboratory space for the Project, individual risk and emissions levels from the Project's wet laboratory space would not exceed BAAQMD's project-level thresholds of 10 chances in a million for cancer risk, a hazard index of 1 for chronic and acute health effects, or an annual $PM_{2.5}$ increase of more than 0.3 ug/m^3.

Regarding non-stationary sources, the Project would result in the operation of additional land uses that could result in increase in vehicle trips and DPM emissions. In particular, diesel-powered trucks associated with the retail portion of the Project could contribute additional DPM emissions. Daily maximum emissions of DPM for the Project would be approximately less than one pound per day. These emissions would be generated by new vehicle trips within the City and larger Bay Area region with only a small portion of these trips occurring within the Project area near sensitive receptors. As a result, the actual concentration near sensitive land uses would be minimal, and implementation of the Project would not result in exposure of new or existing sensitive receptors to TACs from regular and frequent visits by diesel-powered haul trucks.

When evaluating TAC emissions and relative exposure at receptor locations, variables such as intervening structures, exposure duration, proximity to the source, and prevailing wind direction can strongly influence the TAC concentrations. However, based on a review of aerial imagery, the only outdoor activity area (i.e., places where students would play and be most exposed to TAC sources) at the Great Joy Chinese School is a basketball court located between two buildings approximately 1,093 feet away from the Project site, with one building completely blocking the line-of-sight to the Project site, beyond the zone of influence identified by BAAQMD for TAC sources. Intervening structures that block the line-of-sight from the source to the receptor can substantially reduce risk exposure.[51] The Russian School of Mathematics does not appear to have an outdoor activity area. In addition, a review of local meteorology was conducted and based on monthly average wind direction data for the Coast and Central Bay region of BAAQMD's jurisdiction, prevailing average winds blow from the southwest, inland, and away from the nearest sensitive receptors[52], further reducing the likelihood that Project-generated TAC emissions would be substantial at nearby sensitive receptors.

[50] University of California, Berkeley. 2003. *Notice of Preparation 2020 Long Range Development Plan*.

[51] Tong, Z., Baldus, R. W., Isakov, V., Deshmukh, P., & Zhang, M. (2016). *Roadside vegetation barrier designs to mitigate near-road air pollution impacts*. Science of the Total Environment, 541, 920–927.

[52] Bay Area Air Quality Management. 2022. *Wind Direction*. Available: https://www.baaqmd.gov/about-air-quality/current-air-quality/air-monitoring-data/#/met?date=2022-10-12&id=204&view=monthly&style=chart&zone=2a5e64eb-ca0b-4aaf-b619-2e18f48e2a28.

Any new laboratory uses would be required to be evaluated during the BAAQMD permitting process ensuring T-BACT would be in place if required, existing and similar TAC sources referenced are below Project-level thresholds, the fact that a solid structure blocks the line-of-sight between the Project and the outdoor activity area of the nearest sensitive receptor, and the prevailing wind blows away from the nearest receptor, Project-generated TAC emissions would not exceed BAAQMD's project-level thresholds 10 chances in one million for cancer risk, a hazard index of 1 for chronic and acute health effects, or an annual $PM_{2.5}$ concentration increase of more than 0.3 ug/m^3.

3.1.6.7 Cumulative Health Risk Assessment

The cumulative assessment considers the existing TAC sources in the local zone of influence of the Project, defined as 1,000 feet from the Project boundary by BAAQMD, in combination with the anticipated TAC emissions that would occur from the Project, and assesses whether the combined effect would exceed the cumulative thresholds of 100 chances in one million for cancer risk, a hazard index of 10 for chronic and acute health effects, or an annual $PM_{2.5}$ concentration increase of more than 0.8 ug/m^3.

Using the BAAQMD's online Stationary Sources Screening Map tool, a polygon was drawn around the boundary of both Project parcels and a search was conducted with a 1,000-foot buffer. The results indicated six stationary sources within the buffer, five generators and one gas dispensing facility. Using modeled risk and $PM_{2.5}$ emissions conducted by BAAQMD and available from the Stationary Screening Tool, risk values and emission levels for all identified sources were added together to determine the cumulative risk levels within the zone of influence. See results of the stationary source search and associated individual and cumulative risk levels below in Table 9.

It should be noted that reported risk and emissions levels are those associated with each facility at the location of the source; thus, combining risk/emissions levels for all sources within a 1,000-foot buffer for comparison to the cumulative risk thresholds and applying that combined level to any other receptor at varying distances from each source does not account for the fact that risk levels reduce significantly as distance from the source increases, or other factors that could reduce risk (e.g., wind direction, physical barriers). For example, a risk level of 7.95 chances in one million from the source identified at 863 Mitten Road would be reduced substantially at the Project site, approximately 600 feet away. Then, combining that reduced risk with risk from another source, such as the source identified at 842 Cowan Road, which is approximately 1,000 feet away, which would also be much lower at the Project site, would result in a combined risk level of much lower than the sum of the two sources. Nonetheless, in accordance with BAAQMD guidance, all risk levels were combined to obtain cumulative risk levels within the zone of influence for this assessment.

Table 9. Existing and Cumulative Risk Exposure in the Local Zone of Influence

Facility Name (Stationary Source Type)	Address	Distance to Project Site (feet)	Cancer Risk (chances in a million)	Chronic Hazard Index	Annual $PM_{2.5}$ (ug/m^3)
Alexandria Real Estate Equities Inc. (generator)	863 Mitten Road, Burlingame, CA	598	7.95	0.009	0.01
Alexandria Real Estate Equities Inc. (generator)	863A Mitten Road, Burlingame, CA	590	6.47	0.001	0.008
Alexandria Real Estate –819/863 Mitten Road LLC (generator)	866 Malcom Road, Burlingame, CA	598	1.87	0.0005	0.002
City of Burlingame (generator)	842 Cowan Road, Burlingame, CA	1,028	0.28	7.53E-05	0.0004
Kindred Biosciences (generator)	863 Mitten Road, Suite 100G Burlingame, CA	598	0.03	0.0000069	0.00003
Hertz Rent-A-Car (gas-dispensing facility)	1815 Bayshore Highway, Burlingame, CA	905	0.33	0.002	0
Cumulative Levels in the Local Zone of Influence		– –	16.9	0.14	0.02
BAAQMD Cumulative Thresholds		– –	100.0	10.0	0.8

Source: Appendix D, compiled using Bay Area Air Quality Management District's Stationary Source Screening Map online tool.
BAAQMD = Bay Area Air Quality Management District; $PM_{2.5}$ = particulate matter no more than 2.5 microns in diameter; ug/m^3 = measure of concentration in terms of mass per unit volume.

Based on the review of existing sources within the zone of influence around the Project site, the cumulative risk exposure is 17 chances in one million for cancer risk, 0.14 for chronic and acute health effects, and 0.02 ug/m^3 for annual $PM_{2.5}$ concentration. Although a site-specific HRA was not conducted, as discussed above for the Project-level analysis, operation of the proposed buildings would not result in an exceedance of the Project-level thresholds and risk/emissions levels would be expected to be even lower than existing sources in the zone of influence. Thus, even conservatively assuming the highest cancer risk from nearby generators of 7.95 could result from the Project and combining that with the risk levels from the referenced HRA for a much larger wet laboratory of 1.7, the resultant cumulative cancer risk in the zone of influence with the Project would be 26.6 chances in one million, which is well below the 100 chances in one million cumulative threshold. Similarly, assuming the modeled chronic levels of the reference HRA of 0.13 for a larger wet laboratory than the Project, could occur with the proposed wet laboratory uses and combining that with the existing cumulative chronic hazard levels of 0.14, would result in a cumulative chronic hazard level of 0.27 with the Project, which would be well below the cumulative threshold of 10. Last, assuming the highest $PM_{2.5}$ emission level from existing generators in the zone of influence of 0.01 ug/m^3 could result from each new generator that the Project would operate and combining that with the existing cumulative $PM_{2.5}$ levels would result in a cumulative $PM_{2.5}$ concentration of 0.04 ug/m^3 with the Project, which is well below the cumulative $PM_{2.5}$ threshold of 0.8 ug/m^3.

3.1.6.8 Summary of Health Risks from Toxic Air Contaminants

Considering the relatively low levels of DPM emissions that would be generated by construction, the relatively short duration of DPM-emitting construction activity at any one location of the Project area, and the highly dispersive properties of DPM, construction-related TAC emissions would not expose sensitive receptors to an incremental increase in cancer risk that would exceed BAAQMD thresholds of significance. Project operations would result in increased DPM emissions from truck trips; however, the emissions would be distributed throughout the Bay Area region and would not result in substantial concentrations for nearby sensitive receptors. Furthermore, the installation of equipment with substantial TAC generation or back-up generators, would be subject to BAAQMD permitting requirements. In addition, considering that wet laboratories do not result in substantial TAC emissions compared to other diesel sources, and considering the distance to nearby receptors, which are also shielded by existing structures, and the prevailing wind direction blows away from sensitive receptors, operational TAC sources would not result in exceedances of Project-level or cumulative risk and hazard thresholds established by BAAQMD. Thus, construction and operation-related TAC emissions would not expose sensitive receptors to an incremental increase in cancer risk that exceeds the BAAQMD thresholds of significance. This impact would be ***less than significant.***

3.1.6.9 Odors

Although offensive odors rarely cause physical harm, they can be unpleasant, leading to considerable distress among the public. In addition, they often generate citizen complaints to local governments and air districts. According to the California Air Resources Board (CARB) *Air Quality and Land Use Handbook*, land uses associated with odor complaints typically include sewage treatment plants, landfills, recycling facilities, and manufacturing plants.[53] Odor impacts on

[53] California Air Resources Board. 2005. *Air Quality and Land Use Handbook: A Community Health Perspective*. April.

residential areas and other sensitive receptors, such as hospitals, day-care centers, and schools, warrant the closest scrutiny, but consideration should also be given to other land uses where people may congregate, such as recreational facilities, work sites, and commercial areas.

Odors during construction could be emitted from diesel exhaust, asphalt paving, and architectural coatings. However, construction activities near existing receptors would be temporary and would not result in nuisance odors that would violate BAAQMD Regulation 7. During operation, odors could emanate from vehicle exhaust, intermittent use of the emergency generators, and the reapplication of architectural coatings. However, odor impacts would be limited to circulation routes, parking areas, and areas immediately adjacent to recently painted structures. Although such brief exhaust- and paint-related odors may be considered adverse, they would not affect a substantial number of people. Because the Project is not anticipated to result in substantial or long-term odors, this impact would be ***less than significant***.

Given the above, the Project adheres to the criteria of CEQA Guidelines Section 15332(d) because the Project would not result in any significant effects related to air quality.

3.1.7 Criterion Section 15332(d): Water Quality

	Yes	No
Approval of the project would not result in any significant effects related to water quality.	☒	☐

3.1.7.1 Existing Conditions

The Project site is within the Millbrae Creek watershed.[54] The Millbrae Creek watershed includes Millbrae Creek, as well as underground storm drains and an engineered channel (El Portal Canal), which drains into San Francisco Bay. There are no surface waters at the Project site. El Portal Canal, a concrete channel, is located approximately 0.25 mile north of the Project site, and the San Francisco Bay is approximately 0.10 mile east of the Project site. Local drainage is managed by urban storm sewer systems, which ultimately reach the main storm drains in Malcolm Road, Stanton Road, and Old Bayshore Highway.

The existing site consists of surface parking, three single-story commercial buildings, one two-story commercial building, and limited landscaping. Groundwater on site was encountered at a depth of 3 to 9 feet bgs.[55] Actual groundwater levels fluctuate seasonally with variations in rainfall, temperature, and other factors. As described in greater detail in Criterion 15300.2(e): Hazardous Waste Sites, no on-site groundwater contaminants were identified that could intrude into groundwater resources.

3.1.7.2 Project Conditions

Stormwater runoff from the Project site would ultimately drain into San Francisco Bay. Currently, the Project site includes a surface parking and four buildings. Approximately 93 percent of the current Project site is composed of impervious surfaces. The Project would decrease the area of

[54] Oakland Museum of California. n.d. *Guide to San Francisco Bay Area Creeks, Millbrae Creek Watershed*. Available: http://explore.museumca.org/creeks/1570-RescMilbrae.html. Accessed: September 8, 2022.

[55] Rockridge Geotechnical. 2021. Geotechnical Investigation and Ground Motion Analysis Report Proposed Life Science Buildings 810 Malcolm Road & 821 Malcolm Road & 1669-1699 Old Bayshore Highway, Burlingame, CA. October 19. Prepared for the Helios Real Estate Partners.

impervious surfaces to 82 percent, whereas pervious surfaces would be 18 percent. The Project site would treat stormwater on site in accordance with low-impact development treatment measures and mechanical treatment.

Surface runoff from the Project site would be regulated under the National Pollutant Discharge Elimination System (NPDES) program, which is enforced locally by the San Francisco Bay Regional Water Quality Control Board. Due to the high groundwater depth on site, any work on site would need to be conducted in coordination with the San Mateo County Department of Environmental Health and the Regional Water Quality Control Board. Compliance with existing stormwater control regulations would ensure that the Project would result in ***less-than-significant*** impacts related to water quality.

3.1.7.3 Stormwater Runoff

Because the Project would involve construction activities that would disturb more than 1 acre, surface runoff from the Project site would be regulated under the NPDES program, which is enforced locally by the San Francisco Bay Regional Water Quality Control Board. Furthermore, the Project would be required to develop and implement a Stormwater Pollution Prevention Plan (SWPPP) for the site, in compliance with the construction general permit. The purpose of the SWPPP is to identify potential sources of sediment and other pollutants and prescribe BMPs to ensure that potential adverse erosion, siltation, and contamination impacts do not occur during construction activities. Implementation of the SWPPP would control erosion and protect water quality from potential contaminants in stormwater runoff emanating from the construction site. BMPs may include damp street sweeping; appropriate covers, drains, and storage precautions for outdoor material storage areas; temporary cover for disturbed surfaces; and sediment basins or traps, earthen dikes or berms, silt fences, check dams, soil blankets or mats, covers for stockpiles, or other BMPs to trap sediments.

Stormwater runoff during the operational phase of the Project would be subject to the low-impact development (LID) measures in Provision C.3 of the NPDES Municipal Regional Permit, under Regional Water Board Order R2-2009-0074. These measures include source control, site design, and treatment requirements to reduce the amount of stormwater runoff and improve the quality of stormwater runoff. The Project would treat the stormwater runoff on site using LID treatment measures. After on-site treatment, water would drain through exiting storm drains, which ultimately reach the main storm drains in Stanton Road, Malcolm Road, and Old Bayshore Highway. Compliance with existing stormwater regulations would ensure that the Project would result in ***less-than-significant*** impacts on water quality related to stormwater runoff.

3.1.7.4 Groundwater

Due to the high groundwater level, it is likely that temporary dewatering may be required during construction excavation activities. Groundwater was encountered at three feet bgs and maximum depth of excavation required is six feet bgs. Therefore, there could be potential for contaminated soil vapors to intrude into groundwater resources if improperly handled. However, as mentioned in Chapter 1, *Project Description*, Focused Phase II investigation reports were conducted for the Project site and included soil, groundwater, and indoor and outdoor air quality sample collection, and analysis. The investigations found that no contaminants in the soil were detected above commercial ESLs or hazardous waste criteria. The groundwater samples did not contain concentrations of VOCs above the commercial ESLs, and, based on the lack of VOC detection, the groundwater at the Project

site did not appear to be impacted by nearby sites or the former UST. In addition, the investigation found that the potential for vapor intrusion is low. Based on the results of the investigations, additional investigation related to on- or off-site contamination is not required, no RECs, CRECs, or *de minimis* conditions were identified on the Project site, and mitigation measures are not warranted.[56] Furthermore, the Regional Water Quality Control Board would need to be notified if dewatering were to occur, and the contractor may be subject to dewatering requirements in addition to those outlined in the Construction General Permit, including discharge sampling and reporting.

In addition, the occupied spaces of the ground floor of each building would be constructed above the seasonal high-water table. Prior to receiving a building permit or other construction-related permit, final design would be approved by the Burlingame Department of Public Works. Compliance with existing regulations and adherence to Project-specific designs would ensure that the Project's potential impact related to groundwater would be reduced to a ***less-than-significant*** level.

Given the above, the Project adheres to the criteria of CEQA Guidelines Section 15332(d) as the Project would not result in any significant effects related to water quality.

3.1.8 Criterion Section 15332(e): Utilities and Public Services

	Yes	No
The site can be adequately served by all required utilities and public services.	☒	☐

Although the Project site is currently vacant, the Project is located in an urban area that is already served by all necessary municipal utilities (i.e., water, wastewater, stormwater, solid waste) and public services (i.e., fire, police, schools). Utilities for the Project, including electricity, natural gas, and water, would connect to existing utility infrastructure. The Project site would treat the stormwater on site in accordance with LID treatment measures and mechanical treatment, per the National Pollutant Discharge Elimination System program; treated stormwater would drain through existing storm drain systems and ultimately reach the main storm drain to mains on Malcolm Road, Stanton Road, and Old Bayshore Highway. [57]

The City currently has a population of approximately 30,106, which is served by existing utilities and public service providers.[58] The Project would include construction of office and R&D campus, along with a nine-level parking garage. This development is not expected to result in new residents, although foot traffic to the Project site may increase. The Project is expected to be consistent with growth anticipated in the 2040 General Plan and the I-I land use designation; therefore, as discussed below, the Project would be adequately served by all required utilities and public services.

[56] Roux. 2021. *Focused Phase II Investigation Report—1669 and 1699 Old Bayshore Highway, Burlingame, California*. March 30, 2021.

[57] ESRI. 2022. *Municipal Separate Storm Sewer System* ArcGIS Map. Available: https://bgmaps.maps.arcgis.com/apps/webappviewer/index.html?id=8f4f7accd3054ba5a4fde951fc45b60. Accessed: September 7, 2022.

[58] U.S. Census Bureau. 2021. *Population, Census, July 1 2021*. Available: https://www.census.gov/quickfacts/burlingamecitycalifornia. Accessed August 16, 2022.

3.1.8.1 Water

A Water Supply Assessment (WSA) was prepared by EKI Consultants in September 2022 for the Project, as well as a supplementary memorandum to the WSA by the City in October 2022, and are both included in this document as Appendix E-1, *Water Supply Assessment*, and E-2, *Water Supply Assessment Supplemental Memorandum*, respectively. The WSA describes historical, current, and future water trends in the City through the year 2045, current and projected future water supplies for the City through the year 2045, and the current and projected water demands of the Project through the year 2045. For a more detailed analysis, including all tables, please refer to Appendix E-1.

The City purchases all of its potable water from the regional water system of the San Francisco Public Utilities Commission (SFPUC) Regional Water System. Approximately 85 percent of the water supply originates in the Hetch Hetchy watershed in Yosemite National Park, then flows down the Tuolumne River to the Hetch Hetchy Reservoir. The remaining 15 percent of the water supply originates locally in the Alameda and Peninsula watershed and is then stored in six different reservoirs in Alameda and San Mateo Counties.[59]

According to the Project's WSA (Appendix E-1), total City water demand decreased by approximately 28 percent between 2005 and 2022, with water use from 2005 to 2008 remaining fairly consistent at an average of 1,634 million gallons per year (MGY). Water demand decreased approximately 13 percent between 2008 and 2010, which generally corresponds with the 2007 to 2009 drought and the economic downturn. In addition, there was a significant drop in water demand between 2014 and 2016, which corresponds with the recent historic drought and mandatory state-wide water use restrictions and water conservation targets. Since 2016, water use has rebounded but has not returned to pre-drought water use levels.[60] According to the City's *2020 Urban Water Management Plan* (2020 UWMP), the City's average water demand between 2018 and 2022 was approximately 1,237.6 million gallons, which is equivalent to 3.39 million gallons per day (mgd) or 64.8 percent of the City's allotted 5.23mgd.[61] The City of Burlingame has an Individual Supply Guarantee (ISG) from the SFPUC, which totals 5.23 mgd.[62]

As mentioned above, the Project is anticipated to include approximately 184,493 sf of office use and 280,183 sf of R&D use. The water demand for the R&D use is estimated based on a demand factor of 0.18 gallons per day per square foot (GPD/sf). For the office use portion of the Project, an office demand factor of 0.055 (GPD/sf) was used. The resulting water demand associated with the office and R&D portions of the Project would be approximately 3.7 and 18 MGY, respectively.[63] In addition, the Project would include approximately 4,724 sf of exercise facility use and approximately 6,390 sf of food services use for tenants and visitors as part of the Project's amenities. Water demand associated with exercise and food services were estimated using a demand factor of 0.11 GPD/sf for

[59] City of Burlingame. 2021. Urban Water Management Plan. https://www.burlingame.org/departments/public_works/water.phpAccessed: September 28, 2022.

[60] EKI Environment and Water, Inc. 2022. *Water Supply Assessment for 1669/1699 Bayshore Highway & 810/821 Malcolm Road.* Refer to Appendix E-1.

[61] City of Burlingame. 2021. *City of Burlingame 2020 Urban Water Management Plan*. Available: https://www.burlingame.org/departments/public_works/water.php. Accessed: September 28, 2022. For a full list of uncertainties, please refer to Section 7.1.4.1 of the 2020 City of Burlingame UWMP. (see table 4-1 of UWMP).

[62] Ibid (see page 83).

[63] EKI Environment and Water, Inc. 2022. *Water Supply Assessment for 1669/1699 Bayshore Highway & 810/821 Malcolm Road.*

amenity use. Water demand associated with the exercise room would be approximately 0.19 MGY, and demand associated with the food services would be approximately 0.26 MGY. Total Indoor Use Based on the demand factors identified above, the total estimated indoor water use for the proposed Project is estimated to be approximately 23 MGY.[64]

The Project also includes a nine-level, approximately 291,944-sf parking garage. Water use associated with the parking garage is anticipated to be minimal, and would likely be limited to just cleaning of the facility. Assuming the garage would be cleaned approximately 12 times per year, and that 0.02 gallons per sf will be used per each cleaning event, it is estimated that approximately 0.07 MGY will be used for garage cleaning purposes.[65] Furthermore, the Project includes a total of approximately 30,217 sf of landscaped area. Irrigated landscape water use was calculated based on the Maximum Applied Water Allowance per the City's Water Conservation in Landscape Ordinance (Burlingame Municipal Code Chapter 18.17), and is estimated to be approximately 0.36 MGY.[66] Based on the above methodologies and assumptions made in the WSA, and adjusting for the existing water use at the site, the incremental increase in water demand associated with the Project at full buildout and occupancy is estimated to be approximately 4.2 MGY.

The Project is included in the City's 2020 UWMP water demand projections and the City's 2022 water demand projections update, and is therefore not expected to result in an on-going net increase in water demands to the City beyond what has already been projected.[67] The 2020 UWMP identifies the projected water demand in 5-year increments for the City of Burlingame up to the year 2045. The projected water demand was estimated using the Demand Management Decision Support System Model (DSS Model), which used the population and employment projections from the 2040 General Plan to estimate the projected water demand. However, the City's Regional Housing Needs Allocation (RHNA) is larger than the number of residential units assumed in the 2040 General Plan; the City is currently updating its Housing Element to reflect the new RHNA allocation. Therefore, as part of the WSA prepared for the Project, the City updated its water demand projections to reflect the City's ongoing efforts related to the Housing Element update and assigned RHNA values and incorporate the additional residential water demand.[68]

Because the Project is consistent with the 2040 General Plan and would merely implement the I-I land use identified in the 2040 General Plan, the Project would be in conformance with the level of growth envisioned in the General Plan. Because the DSS Model used the growth projections from the 2040 General Plan, it is reasonable that the growth projected in the DSS Model accounts for the growth from the Project. In addition, as mentioned above, as part of the WSA prepared for the proposed Project, the model has been updated to account for the City's ongoing efforts related to the Housing Element update and RHNA allocation. With these updates, the DSS Model projects an increase in commercial and industrial water use of 145 MGY from 2025 through 2045. Given that the Project is projected to use approximately 4.2 MGY at full buildout, representing approximately 2.9 percent of the projected commercial and industrial demand increase for the City, the Project is considered to be included within the demand projections of the City.[69] Therefore, the Project is not

[64] Ibid.

[65] EKI Environment and Water, Inc. 2022. *Water Supply Assessment for 1669/1699 Bayshore Highway & 810/821 Malcolm Road.*

[66] Ibid.

[67] Ibid.

[68] Ibid.

[69] Ibid.

anticipated to result in an increase in demands for the City relative to those projected in the 2020 UWMP and the City's 2022 water demand projections update. Based on the results of the DSS Model, the City would have sufficient water to serve the growth associated with the 2040 General Plan, including the growth from the Project. Furthermore, because the Project is included in the 2020 UWMP water demand projections and the City's 2022 water demand projections update, development of the Project is not anticipated to affect water demands and supply reliability for the City beyond what was already projected in the adopted 2020 UWMP.

Because the City obtains its water from the SFPUC, the City is, in turn, dependent on SFPUC's overall water supply to its wholesale customers. SFPUC adopted its 2020 UWMP in June 2021. SFPUC's UWMP identified several potential future water supply scenarios with different potential outcomes. Specifically, SFPUC's 2020 UWMP contemplates scenarios reflecting full implementation of the 2018 Bay-Delta Plan Amendment (BDPA). The BDPA would require an increase in the amount of water flowing into the San Francisco Bay Delta, which would require substantial contributions from SFPUC's water sources (including the Tuolumne River). With implementation of the BDPA, SFPUC projects that its available water supply in the years 2030 and 2040 would be unchanged in a normal year. However, its supply would drop substantially in single and multiple dry-year scenarios, imperiling SFPUC's ability to meet its projected wholesale demand. Similarly, the City's 2020 UWMP identifies that the City could experience significant shortfalls of its SFPUC Regional Water System supplies during single dry and multiple dry year conditions as a result of BDPA implementation. Specifically, the City is projecting supply shortfalls of up to 45 percent during single dry years and up to 53 percent during multiple dry years in 2045, and will require significant demand reductions or the development of alternate water supply sources.

However, SFPUC's UWMP notes that full implementation of the BPDA remains far from certain in the face of several legal challenges. There is considerable uncertainty that other needed actions to implement the BDPA will occur on the California State Water Resource Control Board's expected timeline or ever. Moreover, SFPUC is actively pursuing a voluntary agreement among stakeholder agencies that would limit implementation of the BDPA, and thus reduce the impact of the BDPA on SFPUC's water supply. Under this voluntary agreement, the City is assumed to have sufficient water to meet all of its future water demands, including the demands of the proposed Project, in normal years. Because numerous uncertainties remain in the implementation of the BDPA and the resultant allocation of the available supply to the City, a conclusion of insufficient water supply would be speculative and cannot be made at this time.

Furthermore, it is anticipated that in single and multiple dry year scenarios the City will implement its Water Shortage Contingency Plan (WSCP) to curtail demands and ensure that its supplies remain sufficient to serve all users, including the Project. The WSCP includes Mandatory Staged Restrictions of water use and systematically identifies ways in which the City can reduce water demands during dry years. The overall reduction goals in the WSCP are established for six drought stages and address water demand reductions over 50 percent. The City may allocate different levels of rationing to individual customers based on customer type (e.g., dedicated irrigation, single family residential, commercial, etc.) to achieve the required level of citywide rationing. It is anticipated that the WSCP would include a tiered allocation approach that imposes lower levels of rationing on customers who use less water than similar customers who use more water. This approach aligns with the SWRCB's statewide emergency conservation mandate imposed during the recent drought,

in which urban water supplies who use less water were subjected to lower reductions than those who used more water.[70]

In accordance with the WSCP, the level of rationing that would be imposed on the Project would be determined at the time of a drought or other water shortage and cannot be established with certainty prior to the shortage event.[71] If the Project can demonstrate below-average water use, it would be subject to a lower level of rationing than other customers that meet or exceed the average water use for the same customer class. Furthermore, as a condition of approval for the Project, the following water-efficient features would be incorporated into the Project design.

- Installation of purple piping in the frontage of the Project site for future recycled water usage;
- Implementation of the Prescriptive Compliance Option of the Model Water Efficient Landscaping Ordinance (see CCR Title 23, Chapter 2.7, Appendix D);
- Installation of 100 percent WaterSense labeled products, as available; and
- Incorporation of a minimum of four points under the Water Efficiency Credit category under the Leadership in Energy and Environmental Design certification.

Based on the above information, the WSA concludes that, because the Project was included in the City's 2020 UWMP and the City's 2022 water demand projections update, it would not affect water supply reliability within the City's service area beyond what has already been projected. Based on currently available information, the City expects to be able to meet all future demands within its service area, inclusive of the Project, in normal hydrologic years. As discussed above, the shortfalls that are currently projected during dry years will be addressed through planned implementation of the City's 2020 WSCP.[72] Due to these facts the impact on water supply would be ***less than significant***.

3.1.8.2 Wastewater

The City's Public Works Department services Burlingame's wastewater system. Wastewater flows are carried to the wastewater treatment facility (WWTP) at 1103 Airport Boulevard, which serves the entire city, unincorporated Burlingame Hills, as well as the town of Hillsborough.[73]

The average dry-weather flow of wastewater treated at the WWTP has remained fairly constant, at approximately 3.0 to 3.5 mgd, which is approximately 55 to 64 percent of the facility's 5.5-mgd capacity.[74] As discussed above, the Project would have a water demand of approximately 4.2 MGY, or 0.97 gpd/sf ; therefore, assuming a conservative one-to-one ratio, the Project would generate 4.2 MGY, or 0.97 gpd/sf of wastewater.[75] Because the WWTP treats a fraction of its permitted wastewater capacity, adequate wastewater treatment capacity is available. In addition, the Project

[70] Syed, Murtuza, Public Works Director. 2022. *Memorandum—Supplemental Information to the Water Supply Assessments for Private Development Projects Located at 1669/1699 Bayshore Highway and 810/821 Malcolm Road and 777 Airport Boulevard.* October 13. (Appendix E-2).

[71] See Table 5-2 in Appendix E-2 for the Water Shortage Contingency Plan Levels and corresponding shortage response actions.

[72] The City's 2020 WSCP is available online at: https://www.burlingame.org/document_center/Water/CityofBurlingame_2020_UWMP.pdf

[73] Ibid (see 6.5-1).

[74] Ibid (see 6.5-2 Wastewater Collection, Treatment, and Disposal).

[75] EKI Environment and Water, Inc. 2022. *Water Supply Assessment for 1669/1699 Bayshore Highway & 810/821 Malcolm Road.* (See table 1).

would not require relocation or construction of new or expanded water or wastewater treatment facilities because there is adequate water and wastewater treatment capacity available to serve the Project. Therefore, impacts would be ***less than significant***.

3.1.8.3 Stormwater

The Project site would treat the stormwater on site in accordance with LID treatment measures and mechanical treatment, per the National Pollutant Discharge Elimination System program; treated stormwater from the site will be drained to the adjacent public storm drainage mains in Malcolm Road, Stanton Road, and Old Bayshore Highway.[76] Stormwater from Burlingame's Stormwater system drains into San Francisco Bay; therefore, it is subject to the requirements of the Clean Water Act of 1972. The Clean Water Act prohibits the discharge of stormwater into waters of the United States, unless the discharge is in compliance with an NPDES permit. Currently, the Project site is composed of 93 percent impervious surfaces. On Project implementation, the Project site would be composed of 82 percent impervious surfaces and 18 percent pervious surfaces; therefore the rate or amount of surface runoff would not increase on the Project site as a result of Project implementation.[77,78]

Because the Project would reduce the amount of stormwater runoff compared with existing conditions, existing stormwater infrastructure has adequate capacity to serve the Project, and no expanded or new off-site drainage facilities would be required, beyond minor improvements that may be included as a part of the Project. The Project would also use appropriate construction best management practices (BMPs) including the controlling and preventing the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, wash water or sediments, rinse water from architectural copper, and non-stormwater discharges to storm drains and watercourses; protecting all storm drain inlets in the Project vicinity using sediment controls; and delineating drainage courses. Appropriate source controls would also be put in place such as marking on-site inlets with the words "No Dumping! Flows to Bay" or an equivalent statement. These measures would be put in place in addition to limiting any disturbance to natural water bodies and drainage systems and minimizing impacts from stormwater and urban runoff on the biological integrity of natural drainage systems and water bodies.

The existing stormwater infrastructure has adequate capacity for serving the Project site. In addition, because the Project would treat 100 percent of stormwater runoff on site using LID treatment measures, including bioretention unlined with underdrain and self-retaining areas, impacts related to stormwater drainage would be ***less than significant.***

3.1.8.4 Solid Waste

The City of Burlingame contracts with Recology San Mateo County for residential and commercial solid waste pickup. The City is within the service area of RethinkWaste, also known as the South Bayside Waste Management Authority. The City of Burlingame, as well as the Cities of Atherton,

[76] ESRI. *Municipal Separate Storm Sewer System* ArcGIS Map. Available: https://bgmaps.maps.arcgis.com/apps/webappviewer/index.html?id=8f4f7accd3054ba5a4fde951fc45b60. Accessed: September 7, 2022.

[77] San Mateo Countywide Water Pollution Prevention Program. *North Parcel C.3 and C.6 Development Review Checklist. Table I.B.1.* 2022.

[78] San Mateo Countywide Water Pollution Prevention Program. *South Parcel C.3 and C.6 Development Review Checklist. Table I.B.1.* 2022.

Belmont, East Palo Alto, Foster City, Hillsborough, Menlo Park, Redwood City, San Carlos, and San Mateo; the County of San Mateo; and the West Bay Sanitary District form the Joint Powers Authority for RethinkWaste. Recology San Mateo County provides recycling, composting, and garbage collection services for residents and businesses in the RethinkWaste service area.[79] Recyclables and organic solid waste are taken by Recology trucks to the Shoreway Environmental Center in San Carlos for sorting. The Shoreway Environmental Center is owned by RethinkWaste and operated by South Bay Recycling on behalf of RethinkWaste.[80] Solid waste and recyclables received at the Shoreway Environmental Center are processed and sent to the appropriate facility, including the Ox Mountain Landfill (also known as Corinda Los Trancos Landfill), which is in Half Moon Bay. This landfill is expected to remain operational until 2034 and has a maximum permitted throughput capacity of 3,598 tons per day and a maximum permit capacity of 60,500,000 cubic yards.[81] The landfill accepts the following waste types: tires, other designated, asbestos, sludge (biosolids), mixed municipal, and construction/demolition.[82]

Construction of the Project would result in demolition waste. The Project would be required to comply with the City of Burlingame Construction and Demolition Recycling Ordinance No. 1704 (Municipal Code Chapter 8.17), which requires salvaging or recycling at least 60 percent of construction-related solid waste. The Project would also generate waste during operation from the buildings' employees. In 2020-2021 the City of Burlingame had an employee per capita disposal rate of 5.80 pounds per person per day. [83] Therefore, with an estimated employee generation of 1,450, the Project could generate approximately 8,410 pounds (4.205 tons per day) of solid waste in the form of garbage, as well as recycling and composting material. Although trash receptacles would be provided in the parking structure, this use is not expected to generate a significant amount of waste. The Project would have a separate back of house recycling and composting facility that is accessible by Recology.

The Shoreway Environmental Center is permitted to receive 3,000 tons of refuse per day.[84] Once collected and sorted at Shoreway, solid waste is transported to Corinda Los Trancos Landfill, which is permitted to receive 3,598 tons per day.[85] Solid waste generated by operation of the Project would represent less than 0.1 percent of the permitted capacity of Shoreway Environmental Center and Corinda Los Trancos Landfill, respectively. As such, Shoreway

[79] City of Burlingame. 2022. Garbage Utility. Last updated: 2022. Available https://www.burlingame.org/departments/finance/garbage_utility_(recology).php. Accessed: September 2, 2022.

[80] RethinkWaste. 2020. *About Shoreway.* Last revised: 2022. Available: http://www.rethinkwaste.org/shoreway-facility. Accessed: September 6, 2022

[81] California Department of Resources Recycling and Recovery. 2019. SWIS *Facility/Site Activity Details: Corinda Los Trancos Landfill (Ox Mtn) (41-AA-0002).* Available: https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1561?siteID=3223. Accessed: September 6, 2022.

[82] Ibid.

[83] CalRecycle. 2021. Jurisdiction Per Capita Disposal Trends: Burlingame 2020-2021. Available: https://www2.calrecycle.ca.gov/LGCentral/AnnualReporting/ReviewReports. Accessed: September 9, 2022.

[84] California Department of Resources Recycling and Recovery. 2019. SWIS *Facility/Site Activity Details: Shoreway Environmental Center (41-AA-0016).* Available: https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1575?siteID=3236

[85] California Department of Resources Recycling and Recovery. 2019. SWIS *Facility/Site Activity Details: Corinda Los Trancos Landfill (Ox Mtn) (41-AA-0002).* Available: https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1561?siteID=3223. Accessed: September 6, 2022.

Environmental Center and the Corinda Los Trancos Landfill would have adequate capacity to serve the Project, resulting in a ***less-than-significant*** solid waste impact.

3.1.8.5 Fire Protection Services

The Central County Fire Department (CCFD) provides fire protection services for the Cities of Burlingame and Millbrae, and the town of Hillsborough. In total, the CCFD service area covers almost 15 square miles, with a population of 66,049 individuals. CCFD has 90 full-time employees. [86]

There are six fire stations in CCFD's jurisdiction and 1 administrative building, the administrative building and two of the fire stations are located in Burlingame. The Project would be approximately 1.4 miles west of Fire Station No. 37, located at 511 Magnolia Avenue in the City of Millbrae and the Fire Administration Building, located at 1399 Rollins Road in the City of Burlingame, is located 0.8 miles from the Project site. Due to the Project site's distance from the fire station, the Project is not expected to substantially affect response times.

In accordance with standard City practices, CCFD would review Project plans prior to the issuance of permits to ensure compliance with all applicable fire and building codes. The Project would be required to comply with all applicable CCFD codes and regulations and meet CCFD standards related to fire hydrants (e.g., fire-flow requirements, hydrant spacing) and the design of driveways and access points.

As designed, the parking garage constructed under the Project would not meet fire access requirements. To address this, the Project has proposed enhancements to the parking garage, which the CCFD has agreed to in an Alternate Means of Protection Document.[87]

Under CEQA, the need for additional equipment and/or personnel to support fire services is not considered a significant impact, unless new facilities would need to be constructed, resulting in physical impacts. The Project would not result in an increase in the number of residents within the city, but would result in an increase in the daytime service population due to the increase in the number of employees on site. However, the increase in the number of employees at the Project site would be minor compared with the CCFD service population. Therefore, the Project would not increase the need for fire services, staffing, and/or equipment to the extent that new fire facilities would need to be constructed, resulting in a ***less-than-significant*** impact.

3.1.8.6 Police Protection Services

The Burlingame Police Department (BPD) provides emergency police services within a 5-square-mile area with approximately 30,000 residents. BPD has one police station at 1111 Trousdale Drive. BPD employs 69 staff members, including 40 full time sworn officers, resulting in a ratio of 1.33 officers per 1,000 residents.[88] [89] The 2040 General Plan Community Safety Element does not designate a standard ratio for police officers to residents or a standard emergency response time. However, it does require continued maintenance of optimal police staffing levels, which are

[86] Central County Fire Department. 2022. *Fiscal Year 2022-2023 Adopted Budget.* Available: https://ccfd.org/wp-content/uploads/2022/05/AdoptedBudget-FY22-23-Web.pdf. Accessed August 16, 2022.

[87] Reed, Christine—Fire Marshal. 2022. *Alternate Means of Protection Request—Project Nomar: 1669 Bayshore Highway, 1699 Bayshore Highway, 810 Malcolm Road, and 821 Malcolm Road, Burlingame, CA*. October 3.

[88] City of Burlingame Police Department. 2022. *About Us.* Available: https://www.burlingame.org/departments/police_department/about_us.php. Accessed: April 22, 2022.

[89] The ratio of 1.33 officers per 1,000 residents = (40/30,106 [population]) × 1,000 residents.

necessary to meet community safety needs.[90] The General Plan Draft EIR referenced the "238 Bypass Fiscal Impact Analysis" metric, which establishes an optimum ratio of 1.5 sworn police officers per 1,000 residents.[91]

The Project would not add new residents, although it would increase the daytime service population in the form of 1,450 employees as a result of Project implementation. However, the General Plan EIR, adopted in 2018, found that the BPD has not identified the need for any new or expanded facilities to meet service needs.[92] In addition, the estimated service ratio of sworn officers to residents is currently 1.33 sworn officers to 1,000 residents.[93,94] Furthermore, the Project would be located roughly 0.7 miles from the Burlingame Police Station and, as such, response times would be quick and the Project site would be adequately served by police services.

Under CEQA, the need for additional equipment and/or personnel to support police services is not considered a significant impact, unless new facilities would need to be constructed, thereby resulting in physical impacts. The increase in the number of employees and visitors at the Project site would be considered minimal compared with the population in the rest of the City. In addition, if needed, communication facilities to maintain communication for the Burlingame Police Department would be exempt from CEQA. Therefore, the Project would not increase the need for police services or staffing to the extent that new police facilities would need to be constructed, resulting in a ***less-than-significant*** impact.

3.1.8.7 Schools

The Burlingame School District includes six elementary schools, one preschool, and one intermediate school,[95] with a total enrollment of approximately 3,312 students.[96] In addition, Burlingame High School, part of the San Mateo Union High School District, is located in Burlingame and has a total enrollment of 1530. In total, the San Mateo Union High School District serves approximately 9,655 students, and enrollment grows every year.[97,98]

[90] City of Burlingame. 2019. *Envision Burlingame General Plan*. Available: https://www.burlingame.org/departments/planning/general_plan_update.php. Accessed: April 22, 2022.

[91] City of Burlingame. 2018. *Envision Burlingame: Draft Environmental Impact Report.* Available: https://cms6.revize.com/revize/burlingamecity/document_center/Planning/BurlingameGP_DEIR_FullDocument_06-28-2018.pdf. Accessed: September 9, 2022.

[92] Ibid.

[93] The population of Burlingame in 2019 was estimated to be 30,106. The number of sworn officers is 40.

[94] The ratio of 1.33 officers per 1,000 residents = (40/30,106 [population]) × 1,000 residents.

[95] Burlingame School District. 2018. *Burlingame School District*. Available: https://www.bsd.k12.ca.us/. Accessed: September 2, 2022.

[96] Education Data Partnership. 2022. *Burlingame Elementary*. Available: http://www.ed-data.org/district/San-Mateo/Burlingame-Elementary. Accessed: September 2, 2022.

[97] Ibid.

[98] San Mateo Union High School District. 2020. *Welcome to the San Mateo Union High School District!* Available: https://www.smuhsd.org/domain/46. Accessed: September 2, 2022.

The Project site is within the service area for Lincoln Elementary School.[99] It would also be served by Burlingame Intermediate School and Burlingame High School. Table 10 provides enrollment information for these three schools for the 2021–2022 school year, the most recent data available.

Table 10. Public Schools Serving the Project Area

School	2021–2022 School Year Enrollment
Lincoln Elementary School	394
Burlingame Intermediate	1,028
Burlingame High School	1,530

Source: California Department of Education, EdSource, and FCMAT/CSIS, 2022; Education Data Partnership. 2022. *Burlingame Elementary*. Available: http://www.ed-data.org/district/San-Mateo/Burlingame-Elementary. Accessed: September 2, 2022.

The Project is not a residential project and does not include residential units or increase the number of residents in the area. However, non-residential development, including the Project, is still subject to SB 50 school impact fees (established by the Leroy F. Greene School Facilities Act of 1998).[100] Section 65996 of the State Government Code states that the payment of the school impact fees established by SB 50, which may be required by any state or local agency, is deemed to constitute full and complete mitigation for school impacts from development. Nonetheless, this Project does not result in the direct generation of new residents and students and, therefore, impacts related to schools would be ***less than significant***.

Given the above, the Project adheres to the criteria of CEQA Guidelines Section 15332(e) because the site can be adequately served by all required utilities and public services.

[99] Burlingame School District. 2022. *Burlingame School District, District Boundaries*. Available: https://www.bsd.k12.ca.us/districtboundaries1617. Accessed: September 2, 2022.

[100] State of California. 1998. *School Facilities Bond Act*. Available: http://www.leginfo.ca.gov/pub/97-98/bill/sen/sb_0001-0050/sb_50_cfa_19980715_154314_sen_floor.html. Accessed: September 6, 2022.

Chapter 4
Exceptions to Categorical Exemptions Checklist

In addition to investigating the applicability of CEQA Guidelines Section 15332 (Class 32), this CEQA document also assesses whether any of the exemptions to qualifying for the Class 32 categorical exemption for an infill project are present. The analysis that follows compares the criteria of CEQA Guidelines Section 15300.2 (Exceptions) to the Project.

4.1 Criterion 15300.2(a): Location

	Yes	No
Is there an exception to the Class 32 exemption for the project due to its location in a particularly sensitive environment such that the project may affect an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies?	☐	☒

This possible exception applies only to CEQA exemptions under Classes 3, 4, 5, 6, or 11. Because the Project qualifies as a Class 32 urban infill exemption, this criterion is not applicable. The Project is within a developed urban area and not within a sensitive environment. However, designated environmental resources of hazardous or critical concern in the vicinity of the Project site are evaluated under Criterion 2(e), below.

4.2 Criterion 15300.2(b): Cumulative Impact

	Yes	No
Is there an exception to the Class 32 exemption for the project due to significant cumulative impacts of successive projects of the same type and in the same place over time?	☐	☒

The Project would place new employees in an area that is well served by existing transit. The Project would repurpose underutilized parcels in an already-developed area of the City with utilities and public services, as well as multimodal transportation access. Any construction effects would be temporary, confined to the Project vicinity, and less than significant. In addition, the Project would be required to follow Municipal Code ordinances and other applicable regulatory requirements.

There are several projects that have either been approved, are currently under construction, or have been proposed to the City of Burlingame that are within approximately 1 mile of the Project site. The following projects have been approved (but not built) or are currently under construction and are within approximately 1 mile of the Project. The number of units associated with each project is identified in parentheses where applicable.

- **1855–1881 Rollins Road Project**. Residential development (420 apartment units)
- **250 Anza Boulevard Project**. Commercial recreation development (71,024 sf)
- **1814–1820 Ogden Drive Project**. Residential development (90 condominium units)
- **30 Ingold Road Project**. Mixed-use development (298 apartment units)

- **1870–1876 El Camino Real Project**. Residential development (169 apartment units)
- **1776 El Camino Real Project**. Residential development (311 apartment units)
- **1095 Rollins Road Project**. Residential development (150 apartment units)
- **1 Adrian Court Project**. Mixed-use development (265 apartment units)

The following projects have been proposed (but not yet approved) and are within 1 mile of the Project site. The number of units associated with each project is identified in parentheses.

- **1200–1340 Bayshore Highway Project**: Office/Life Sciences R&D (1.46 million sf)
- **777 Airport Boulevard Project**. Office/R&D (403,400 sf)

This document evaluates cumulative impacts using the General Plan EIR because the Project is consistent with the applicable land use plans and policies of the 2040 General Plan.[101] The General Plan EIR is incorporated by reference and available for public review online.[102] The General Plan EIR is available for public review at the City of Burlingame Planning Department at 501 Primrose Road, Burlingame, California, 94010.

The General Plan EIR evaluated future development, as identified in the 2040 General Plan. As stated previously, future development is planned within 1 mile of the Project site. General Plan EIR, Chapter 22, *CEQA Mandated Components*, concluded that implementation of the 2040 General Plan would result in less-than-significant impacts with respect to cumulative impacts on the following resources: aesthetics; agricultural resources; air quality; biological resources; geology, soils, and minerals; hazards and hazardous materials; historic and cultural resources; hydrology and water quality; land use and planning; noise; population and housing; public services; and utilities. Given the conclusions in the General Plan EIR; given that the Project would have a less-than-significant impact on the aforementioned resources; and given that future projects would be required to adhere to federal and state regulations, as well as local regulations identified in the 2040 General Plan, the Project's contribution to impacts on the aforementioned resources would not be singularly or cumulatively considerable.

General Plan EIR, Chapter 18, *Transportation and Circulation*, also includes a cumulative transportation impact analysis. The General Plan EIR concluded that implementation of local regulations and 2040 General Plan policies would ensure that cumulative transportation impacts would be less than significant.[103] As discussed in Criterion 15332(d): Transportation, the Project would result in a less-than-significant impact with respect to VMT; roadway segments; access and circulation; and pedestrian, bicycle, and transit facilities. Given the Project's less-than-significant impacts and given the future projects would be required to adhere to local regulations and 2040 General Plan policies, the Project's contribution to cumulative transportation impacts would not be singularly or cumulatively considerable. Therefore, the exception under CEQA Guidelines Section 15300.2 (b) does not apply to the Project.

[101] City of Burlingame. 2019. *Envision Burlingame Draft Environmental Impact Report*. June 28, 2018.

[102] The General Plan EIR is available at https://www.burlingame.org/generalplan.

[103] The General Plan EIR included a conclusion for LOS impacts. The LOS conclusions are not considered here because CEQA does not consider impacts on LOS to be an environmental effect.

4.3 Criterion 15300.2(c): Significant Effect

	Yes	No
Is there an exception to the Class 32 exemption for the project because there is a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances?	☐	☒

There are no known unusual circumstances that would be applicable to the Project or its site that would result in a significant effect on the environment (see also the further discussion under Criterion 15300.2(e): Hazardous Waste Sites, regarding hazardous materials). Therefore, the exception under CEQA Guidelines Section 15300.2(c) does not apply to the Project.

4.4 Criterion 15300.2(d): Scenic Highway

	Yes	No
Is there an exception to the Class 32 exemption for the project because it may result in damage to scenic resources, including, but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway?	☐	☒

The Project site has no trees, historic buildings, rock outcroppings, or similar visual resources within a highway that has been officially designated as a state scenic highway. The nearest scenic highway, Interstate 280, is approximately 2.3 miles southwest of the Project site;[104] the Project site is not visible from that freeway. Therefore, the exception under CEQA Guidelines Section 15300.2(d) does not apply to the Project.

4.5 Criterion 15300.2(e): Hazardous Waste Sites

	Yes	No
Is there an exception to the Class 32 exemption for the project because the project is located on a site that is included on any list compiled pursuant to Section 65962.5 of the Government Code?	☐	☒

The provisions of Government Code Section 65962.5 are commonly referred to as the "Cortese List." The provisions require the Department of Toxic Substance Control, the State Water Resources Control Board, the California Department of Public Health,[105] and the California Department of Resources Recycling and Recovery to submit information pertaining to sites associated with solid waste disposal, hazardous waste disposal, leaking underground tank sites, and/or hazardous materials releases to the Secretary of California Environmental Protection Agency.

[104] California Department of Transportation. 2022. *California State Scenic Highway Map*. Available: https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa. Accessed: September 6, 2022.

[105] Formerly the California Department of Health Services.

Phase I ESAs and Focused Phase II Investigation reports were conducted for the properties located at 1669 and 1699 Old Bayshore Highway,[106,107] 810 Malcolm Road,[108,109] and 821 Malcolm Road,[110,111] all in accordance with ASTM Practice E1527-13 (see Appendix C). According to the Phase I ESAs and Focused Phase II ESA, the Project is not on any list compiled pursuant to Section 65962.5 of the Government Code. Refer to Appendix C for further information.

Because the Project site is not on any list compiled pursuant to Section 65962.5 of the Government Code, the exception under CEQA Guidelines Section 15300.2(e) does not apply to the Project. Impacts would be ***less than significant***.

4.6 Criterion 15300.2(f): Historical Resources

	Yes	No
Is there an exception to the Class 32 exemption for the project because the project may cause a substantial adverse change in the significance of a historical resource?	☐	☒

4.6.1 Built-Environment Resources

The Project site is located near the intersection of Old Bayshore Highway and Malcolm Road, near Burlingame's northeast boundary along San Francisco Bay. The Project site contributes to a commercial and industrial area containing one- to two-story buildings, although Old Bayshore Highway features some larger hotel buildings that rise as tall as 11 stories.

The Project site contains four parcels, each of which contains one building. The buildings within the Project site are the following: 1669 Bayshore Highway (Assessor's Parcel Number [APN] 026-302-530), built 1961; 1699 Bayshore Highway (APN 026-302-550), built 1974; 810 Malcolm Road (APN 026-301-180), built 1965-1968; and 821 Malcolm Road (APN 026-302-400), built 1962. The buildings are one- or two-story commercial or industrial facilities that are consistent with many surrounding buildings near Old Bayshore Highway.

Because the buildings are approximately 50 years old or older, they are of the age at which built-environment resources may become eligible for listing in the California Register of Historical Resources (CRHR). Buildings that are listed in or are eligible for listing in the CRHR would meet CEQA's definition of a historical resource. Built-environment resources refer to buildings, structures, objects, and districts.[112] None of the buildings within the Project site appears to have been

[106] Roux. 2021. *Phase I Environmental Site Assessment Report—1669 and 1699 Old Bayshore Highway, Burlingame, California*. February 25, 2021.

[107] Roux. 2021. *Focused Phase II Investigation Report—1669 and 1699 Old Bayshore Highway, Burlingame, California*. March 30, 2021.

[108] Roux. 2021. *Phase I Environmental Site Assessment Report—810 Malcolm Road, Burlingame, California*. February 24, 2021.

[109] Roux. 2021. *Focused Phase II Investigation Report—810 Malcolm Road, Burlingame, California*. March 30, 2021.

[110] Roux. 2021. *Draft Phase I Environmental Site Assessment Report—821 Malcolm Road, Burlingame, California*. June 5, 2021.

[111] Roux. 2021. *Draft Focused Phase II Investigation Report—821 Malcolm Road, Burlingame, California*. June 18, 2021.

[112] National Park Service. 1995. National Register Bulletin: How to Apply the National Register Criteria for Evaluation. Washington, D.C.: U.S. Department of the Interior. Page 4-5.

designated in a local historical resource inventory or identified as significant in a qualifying local historical resource survey. In 2022, ICF documented the buildings on California Department of Parks and Recreation forms, which include evaluations of the buildings' eligibility for CRHR listing (Appendix F, *Cultural Resources Study and Department of Parks and Recreation Forms*). ICF's evaluations found that the buildings within the Project site do not have significance under any of the CRHR evaluative criteria and are not eligible for listing in the CRHR. Therefore, the buildings do not qualify as historical resources under CEQA, as defined in CEQA section 21084.1 and CEQA Guidelines section 15064.5(a)(3).

New construction may also have the potential to cause a substantial adverse change in the significance of historical resources that are adjacent to where construction activities would take place. Substantial adverse change would occur if new construction would alter the setting of adjacent resources or create ground-borne vibrations that would damage a nearby resource's physical characteristics that convey its historical significance. Five built-environment resources that are of historic age (over 50 years old) are located in the immediate vicinity of the Project site: 810 Stanton Road, 820 Stanton Road, 831 Malcolm Road, 820 Malcolm Road, and 819 Mitten Road. None of the five buildings, which were likely constructed prior to 1968, appear to have previously been included in a local register of historical resources, identified in a qualifying historical resources survey, or otherwise evaluated to determine if they qualify as historical resources for the purposes of CEQA review.[113]

Although the CEQA historical resource status of the five buildings adjacent to the Project site is not known, the Project does not appear to have the potential to cause a substantial adverse change in the buildings' significance were they to be historical resources. The construction of multistory buildings within the Project site would not be expected to substantially degrade the setting of any nearby building, given that they exist in a developed suburban environment that has accommodated various campaigns of new construction since the mid-twentieth century, including a large 11-story hotel at the intersection of Old Bayshore Highway and Malcolm Drive opposite from the Project site. Construction of the Project would therefore be generally consistent with a continuum of development that has occurred in the vicinity of the Project site.

Furthermore, construction of the Project does not appear to have the potential to physically damage adjacent historic-aged properties, although construction activities related to the Project could occur approximately within the near vicinity of other buildings. As described in greater detail in Section 15332(d), Noise, construction equipment is anticipated to generate ground-borne vibrations that would attenuate to the degree that the vibrations would remain below the damage thresholds for "historic and some old buildings" and "modern industrial/commercial buildings." (These property categories are those specified in Caltrans' *Transportation and Construction Vibration Guidance Manual* that could apply to the nearby historic-aged buildings, which were built in the mid-twentieth century). As a result of the vibration analysis, ICF has determined that construction related to the Project is not expected to cause damage to the physical characteristics of adjacent buildings. Therefore, the Project would not cause a substantial adverse change in the historical significance of the adjacent age-eligible buildings, were they to be historical resources under CEQA.

[113] Nationwide Environmental Title Research, LLC (NETR). 2022. Historic aerial photograph, 1968, Malcolm Road, Burlingame, CA. Available: http://www.historicaerials.com. Accessed: August 29, 2022.

4.6.2 Archaeological Resources

An ICF archeologist conducted archival background research and a field survey of the Project site to identify cultural resources that may meet the CEQA definition of a historical resource (California PRC Section 21084.1) or unique archaeological resource (PRC Section 21083.2), and that may be impacted affected by development within the Project site.

The background research consisted of a records search at the Northwest Information Center (NWIC) at Sonoma State University; a review of the Sacred Lands File at the Native American Heritage Commission (NAHC) in Sacramento; and a review of archival maps and aerial photographs, and a geoarchaeological literature review. The results of these tasks are summarized below.

4.6.3 Background Research

On September 1, 2022, an ICF archaeologist conducted a records search of the Project site and a 0.25-mile radius at the NWIC (NWIC File #22-0396). The NWIC, an affiliate of the State of California Office of Historic Preservation, is the official state repository of cultural resources records and reports for San Mateo County. As part of the records search, the following local and State of California inventories were reviewed:

- *California Inventory of Historic Resources*[114]
- *Five Views: An Ethnic Historic Site Survey for California*;[115]
- *California Points of Historical Interest*;[116]
- *San Mateo County Its History and Heritage*;[117]
- *California Historical Landmarks*;[118] and
- *Directory of Properties in the Historic Property Data File*.[119] The directory includes the listings of the National Register, National Historic Landmarks, the California Register, California Historical Landmarks, and California Points of Historical Interest.

On September 2, 2022, ICF submitted a request to the NAHC to review its Sacred Lands File for the Project site. The NAHC is the official State repository of Native American sacred site location records in California. ICF received a response on October 11 2022 from Cody Campagne, Cultural Resources Analyst at the NAHC, stating that "A record search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) was completed for the information you have submitted for the above-referenced project. The results were negative." A list eight Native American tribes who may also have knowledge of cultural resources in the Project area was also provided with the NAHC response.

[114] California Department of Parks and Recreation. 1976. *California Inventory of Historic Resources*.

[115] California Office of Historic Preservation. 1988. *Five Views: An Ethnic Historic Site Survey for California.*

[116] California Office of Historic Preservation. 1992. *California Points of Historical Interest*.

[117] San Mateo County Historic Resources Advisory Board. 1984. *San Mateo County Its History and Heritage*.

[118] California Office of Historic Preservation. 1996. *California Historical Landmarks.*

[119] California Office of Historic Preservation. 2012. *Directory of Properties in the Historic Property Data File*. April 5, 2012.

ICF reviewed archival maps, aerial photographs, and geoarchaeological information to assist in identifying the potential for buried pre-contact and historic-period archaeological deposits.

4.6.4 Field Survey

ICF archaeologists conducted a pedestrian survey of the Project site on August 18, 2022, to examine the ground surface for evidence of archaeological materials. All exposed soils were inspected for precontact archaeological materials (e.g., stone tools, lithic debitage, ground stone), historic-period artifacts (e.g., metal, glass, ceramics), and discoloration that might indicate the presence of archaeological deposits.

4.6.5 Results

The results of the NWIC records search indicate that no known and previously recorded cultural resources are located on or adjacent to the Project site. Historic-period maps and aerial photographs indicate that the Project site was an undeveloped salt marsh until the mid-twentieth century; therefore, it is unlikely that any historic-period archaeological deposits are located within the Project site. Furthermore, saltmarsh tidal flats were not inhabited consistently or with sufficient intensity to accumulate substantive archaeological deposits; therefore, the Project Site has low sensitivity for buried pre-contact archeological resources. The field survey did not identify any cultural resources.

The ICF study did not identify any archaeological cultural resources on the Project site that qualify as historical or unique archaeological resources under CEQA. Despite the negative results, there is always a possibility that archaeological cultural resources could be encountered during Project construction activities. As a condition of approval, the City would require the Project applicant to require, as condition in its construction contract, that all personnel conducting ground-disturbing activities receive preconstruction archaeological sensitivity training. The training would include basic information about the types of artifacts that might be encountered during construction activities and identify the protocol for unanticipated archaeological discoveries, including stopping construction work if an archaeological material or feature is encountered during ground-disturbing activities, thereby preventing further disruption and possible damage.

The City would also require, as a condition of approval, if unknown precontact or historic-period archaeological materials are encountered during Project activities, all work in the immediate vicinity of the find will halt until a qualified archaeologist can evaluate the find and make recommendations. If determined to be a historical or unique archaeological resource pursuant to PRC Section 21084.1 or PRC Section 21083.2., a treatment plan would be developed in consultation with the City and Native American stakeholders as applicable. Therefore, the Proposed Project would not cause substantial adverse changes to archaeological resources, were they to be historical or unique archaeological resources under CEQA.

In the event that human remains are identified during Project construction, the remains will be treated in accordance with California Health and Safety Code Section 7050.5 and PRC Section 5097.98, as appropriate. In the event of the discovery or recognition of any human remains in any location other than a dedicated cemetery, Section 7050.5 of the California Health and Safety Code states that there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains were discovered has determined whether or not the remains are subject to the coroner's

authority. If the human remains are of Native American origin, the coroner must notify the NAHC within 24 hours of identification. The NAHC will identify a Native American MLD to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. PRC Section 5097.98 states that the NAHC, on notification of the discovery of Native American human remains, pursuant to California Health and Safety Code Section 7050.5, will immediately notify those persons (i.e., the MLD) it believes to be descended from the deceased. With permission of the landowner or a designated representative, the MLD may inspect the remains and any associated cultural materials and make recommendations for the treatment or disposition of the remains and associated grave goods. The MLD will provide recommendations or preferences for treatment of the remains and associated cultural materials within 48 hours of being granted access to the site.

In consideration of the analysis outlined above, the exception under CEQA Guidelines Section 15300.2(f) does not apply to the Project. Impacts would be ***less than significant***.

Chapter 5
Conclusions

On the basis of the evidence provided in this document, the Project is eligible for a Class 32 categorical exemption, in accordance with Section 15332, Infill Development Projects, of the CEQA Guidelines. Based on the City of Burlingame threshold criteria, no additional substantial adverse impacts, beyond those discussed above, are anticipated to occur as a result of the Project. Because the Project meets the criteria for categorically exempt infill development projects, and because it would not have a significant effect on the environment, this analysis finds that a Notice of Exemption may be prepared for the Project. No further review is required.

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