

# 1200-1340 OLD BAYSHORE HIGHWAY PROJECT

## Response to Comments Document

Prepared for  
City of Burlingame

February 2024



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City of Burlingame

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575 Market St  
Ste 3700  
San Francisco, CA 94105  
415.896.5900  
[www.esassoc.com](http://www.esassoc.com)

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# CHAPTER 1

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## Introduction

The Project applicant, DW Burlingame Venture, Limited Liability Company has filed an application with the City of Burlingame Planning Department to redevelop the property located at 1200-1340 Old Bayshore Highway in the city. The Project applicant proposes a life science and/or office development consisting of three life science and/or office buildings and two parking structures, along with site circulation, infrastructure, recreational and landscaping improvements. All existing Project site buildings and surface parking lots would be demolished and removed.

This Response to Comments document has been prepared by the City of Burlingame as Lead Agency pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. This document provides written responses to comments received during the public review period for the Draft EIR. It contains a list of agencies, organizations and persons that commented on the Draft EIR made in response to comments received; copies of comments received on the Draft EIR; and written responses to those comments. It also contains revisions to the Draft EIR to clarify or correct information in the Draft EIR. Section 1.3, *Organization of this Final EIR*, provides a description of the overall contents and organization of this Response to Comments document.

## 1.1 Environmental Review Process

### 1.1.1 Notice of Preparation

On August 12, 2022, a Notice of Preparation (NOP) was published for the 1200-1340 Old Bayshore Highway Project EIR. A copy of the NOP is included as Appendix A to the Draft EIR. The NOP was distributed to governmental agencies, organizations, and persons interested in the Project along with notice to the general public. The City sent the NOP to the State Clearinghouse and agencies with statutory responsibilities in connection with the proposed Project with the request for their input on the scope and content of the environmental information that should be addressed in the EIR. A 30-day public comment period was provided which ended on September 12, 2022. A scoping meeting was held on August 22, 2022 before the City of Burlingame Planning Commission to accept public input on environmental topics to be analyzed in the EIR and approaches to the impact analyses. Written comments received on the NOP, and a copy of meeting minutes of the Planning Commission meeting, are included in Appendix B to the Draft EIR.

### 1.1.2 Notice and Public Review of the Draft EIR

The City issued a Notice of Availability (NOA) of the Draft EIR on September 20, 2023, announcing the availability of the Draft EIR for public review and comment. The Draft EIR was circulated to governmental agencies and to interested organizations and individuals that may wish to review and comment on the document. CEQA Guidelines Sections 15086(c) and 15096(d) require Responsible Agencies or other public agencies to provide comment on those project activities within the agency's area of expertise or project activities that are required to be carried out or approved by the agency, and the agency should support those comments with either oral or written documentation. Publication of this Draft EIR initiated a 45-day public review period, which was subsequently extended to 51 days, during which time the City of Burlingame accepted comments on the Draft EIR. The public review period for the Draft EIR for the proposed Project was from September 20, 2023 through November 9, 2023.

The City distributed the NOA electronically via email to recipients who had provided email addresses; published the NOA in a newspaper of general circulation; and posted the NOA at the San Mateo County Clerk's office. Paper copies of the Draft EIR were available for review at the City of Burlingame Community Development Department Planning Division and the Burlingame Public Library. An electronic copy of the Draft EIR was made available for review or download at the City's website: <https://www.burlingame.org/1200-1340bayshore>. A public hearing to obtain oral comments on the Draft EIR was held before the City of Burlingame Planning Commission on October 23, 2023 in hybrid format that included both in-person and remote attendees.

By the end of the comment period, the City received written and oral comments from a total of 16 commenters (including commenters who commented multiple times). A list of the commenters is provided in Chapter 2, *Agencies, Organization and Individuals Commenting on the Draft EIR*, of this Response to Comments document.

### 1.1.3 Final EIR: Draft EIR and Response to Comments Document

This Final EIR consists of:

- The Draft EIR, and associated appendices; and
- The Response to Comments document, as described under Section 1.2, below.

The City has prepared written responses to comments received during the public review and comment period for the Draft EIR. These comments and the "Response to Comments" are provided in Chapter 3 of this Final EIR. Chapter 3 provides written comments (submitted by email or by mail) and all verbal comments from the Draft EIR public hearing, together with master responses and individual responses, as applicable.

In addition to providing the comments and response to comments on the Draft EIR, this document includes necessary updates and other modifications and clarifications to the text and exhibits in the Draft EIR in Chapter 4, *Revisions to the Draft EIR*.

The Draft EIR, this Response to Comments, and all supporting technical documents can be found at <https://www.burlingame.org/1200-1340bayshore>.

## 1.2 Intended Use of the Final EIR

The City of Burlingame, as Lead Agency, will make the decision whether to certify the Final EIR in accordance with Section 15090 of the State CEQA Guidelines. Before the City may approve the proposed Project, it must independently review and consider the information contained in the Final EIR, certifying that the Final EIR adequately discloses the environmental effects of the Project, that the Final EIR has been completed in conformance with CEQA, and that the decision-making body of the Lead Agency independently reviewed and considered the information contained in the Final EIR. Certification of the Final EIR would indicate the City's determination that the Final EIR adequately evaluated the environmental impacts that could be associated with the Project.

If certified, the Final EIR would be used by the City to inform its decisions to modify, approve, or deny approval of the proposed Project based on the analysis in the document and in accordance with the findings required by CEQA Guidelines Section 15091 (*Findings*). Pursuant to State CEQA Guidelines Section 15126 (*Consideration and Discussion of Environmental Impacts*), the City would then use this Final EIR as the primary environmental document to evaluate all subsequent planning and permitting actions associated with the Project, including adoption of a Mitigation Monitoring and Reporting Program (MMRP), Vesting Tentative Map and Final Parcel Map Approval, Special Permits for Heights above 65 feet and Tier 3 Increased FAR, Development Agreement, and other approvals listed in Chapter 3, *Project Description*, of the Draft EIR.

## 1.3. Organization of this Response to Comments Document

Following this **Chapter 1, Introduction**, this Response to Comments document is organized as described below:

- **Chapter 2, Agencies, Organizations, and Individuals Commenting on the Draft EIR** – This chapter presents a table showing each public agency, organization, or individual that provided written and/or oral comments on the Draft EIR during the public review period.
- **Chapter 3, Response to Comments** – This chapter starts with “master responses” which contains comprehensive responses on topics that were discussed frequently in public comments on the Draft EIR. This is followed by a copy of all comment letters received, and a copy of the meeting minutes of the public hearing held before the Planning Commission, during the public review period for the Draft EIR, and the City's responses to significant environmental points raised in these letters and the public hearing.
- **Chapter 4, Revisions to the Draft EIR** – This chapter presents all updates made to provide clarification, amplification, and corrections to the Draft EIR - changes either initiated by City staff or responses to comments received during the public review and comment period on the Draft EIR. None of the changes and revisions in Chapter 4 substantially affect the analysis or conclusions presented in the Draft EIR or require recirculation of the Draft EIR.

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## CHAPTER 2

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# Agencies, Organizations, and Individuals Commenting on the Draft EIR

This Response to Comments document provides written responses to comments received on the Draft EIR during its public review period (September 20, 2023 through November 9, 2023), including all written comments submitted either by letter or email, and all oral comments presented at the public hearing for the Draft EIR.

This section lists all agencies, organizations, and individuals (“persons”) who submitted comments on the Draft EIR. Persons who submitted written comments are grouped according to whether they represent a public agency, organization, or an individual citizen, and persons who provided oral comments at the public hearing are also listed.

For each commenter on the Draft EIR, the person’s name, agency or organization as applicable, comment format, comment date, and a commenter code are provided. The commenter codes were assigned to facilitate the preparation of responses, and there is a unique commenter code for each comment letter, email, and public hearing transcript comment based on the name of the agency, organization, or individual submitting the comment. Comments submitted by mail, email, or orally at the public hearing (as transcribed in the meeting minutes for the Planning Commission hearing) are all coded and numbered the same way.

The commenter code for comments on the Draft EIR begins with a prefix indicating whether the commenter represents a public agency (A), an organization (O), an individual (I), or a speaker at the public hearing (PH). This is followed by a hyphen and the acronym of the agency or organization, or the individual’s last name. Within each category, commenters are listed in alphabetical order by code.

The commenter codes are used to identify individual comments on separate topics within each comment letter, email, comment card, or public hearing transcript. Each individual comment from each commenter is bracketed and numbered sequentially following the commenter code. The bracketed comments and corresponding comment codes are shown in the margins of the comments. There is a unique comment code for each distinct comment.

## 2.1 List of Commenters on the Draft EIR

### 2.1.1 List of Public Agencies Commenting in Writing on the Draft EIR

**Table 2-1** below, provides a list of all public agencies that commented in writing on the Draft EIR.

**TABLE 2-1  
PUBLIC AGENCIES COMMENTING IN WRITING ON THE DRAFT EIR**

<b>Comment Code</b>	<b>Name of Person and Agency Submitting Comments</b>	<b>Comment Format</b>	<b>Date</b>
A-BCDC	Katharine Pan, Shoreline Development Program Manager	Letter	November 9, 2023
A-Caltrans	Yunsheng Lo, Branch Chief, Local Development Review, Office of Regional and Community Planning	Letter	November 3, 2023
A-SFO	Nupur Sinha, Director of Planning and Environmental Affairs	Letter	November 8, 2023

### 2.1.2 List of Organizations Commenting in Writing on the Draft EIR

**Table 2-2** below, provides a list of all organizations that commented in writing on the Draft EIR.

**TABLE 2-2  
ORGANIZATIONS COMMENTING IN WRITING ON THE DRAFT EIR**

<b>Comment Code</b>	<b>Name of Person and Organization Submitting Comments</b>	<b>Comment Format</b>	<b>Date</b>
O-LD1	Marjan R. Abubo, Lozeau Drury LLP	Email	October 6, 2023
O-LD2	Marjan R. Abubo, Lozeau Drury LLP	Email	October 18, 2023

### 2.1.3 List of Individuals Commenting in Writing on the Draft EIR

**Table 2-3** below, provides a list of all individuals that commented in writing on the Draft EIR.

**TABLE 2-3  
INDIVIDUALS COMMENTING IN WRITING ON THE DRAFT EIR**

<b>Comment Code</b>	<b>Name of Individual Submitting Comments</b>	<b>Comment Format</b>	<b>Date</b>
I-Au1	Andrew Au	Email	September 20, 2023
I-Au2	Andrew Au	Email	received October 2, 2023

<b>Comment Code</b>	<b>Name of Individual Submitting Comments</b>	<b>Comment Format</b>	<b>Date</b>
I-Evans	Gordon Evans	Email	October 22, 2023
I-Gomery1	Jane Gomery	Email	September 23, 2023
I-Gomery2	Jane Gomery	Email	October 25, 2023
I-Leigh	Adrienne Leigh	Email	October 19, 2023
I-Quirk	Constance Quirk	Email	October 20, 2023
I-Rogers	Suzanne Rogers	Email	October 20, 2023
I-Smith	Don Smith	Email	October 19, 2023
I-SS	SS	Email	November 9, 2023
I-Zuckerman	Mark Zuckerman	Email	November 2, 2023

## 2.1.4 List of Individuals Commenting at the Public Hearing on the Draft EIR

**Table 2-4** below, provides a list of all individuals that commented at the public hearing on the Draft EIR.

**TABLE 2-4**  
**INDIVIDUALS COMMENTING ORALLY ON THE DRAFT EIR, PUBLIC HEARING**

<b>Comment Code</b>	<b>Name of Individual Submitting Comments</b>	<b>Comment Format</b>	<b>Comment Date</b>
PH-Abubo-1	Marjan Abubo, on behalf of the Laborers' International Union of North America	Planning Commission Meeting Minutes	October 23, 2023
PH-Horan-2	Planning Commissioner Horan	Planning Commission Meeting Minutes	October 23, 2023
PH-Tse-3	Planning Commissioner Tse	Planning Commission Meeting Minutes	October 23, 2023
PH-Pfaff-4	Planning Commissioner Pfaff	Planning Commission Meeting Minutes	October 23, 2023
PH-Tse-5	Planning Commissioner Tse	Planning Commission Meeting Minutes	October 23, 2023
PH-Pfaff-6	Planning Commissioner Pfaff	Planning Commission Meeting Minutes	October 23, 2023

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# CHAPTER 3

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## Response to Comments

### 3.1 Introduction

In accordance with CEQA Guidelines Section 15088, this section includes written responses to comments received by the City of Burlingame on the Draft EIR, starting with a series of “master responses” addressing topics that were raised by multiple commenters. Following the master responses, this section contains copies of the written letters (including emails) received from agencies, organizations and individuals, and copies of the meeting minutes of the Planning Commission public hearing on the Draft EIR. Following each comment letter, and following the Draft EIR public hearing meeting summary, is a response by the City that supplements, clarifies, or amends information provided in the Draft EIR, that refers the reader to the appropriate place in the document where the requested information can be found, or that otherwise responds to the comment.

### 3.2 Master Responses

#### 3.2.1 Summary of Master Responses

This section presents “master responses” addressing a number of similar or recurring topics in the comments received on the Draft EIR. The intent of the master responses is to avoid repetition within this document and improve readability by giving a single, comprehensive response to these comments. Responses to the individual comments that raise these recurring topics refer the reader to the master responses in this chapter.

- **Master Response 1: Non-CEQA Comments**
- **Master Response 2: Standards for Transportation Analysis under CEQA**
- **Master Response 3: Project Height and Massing**

#### 3.2.2 Master Response 1: Non-CEQA Comments

Under CEQA, the lead agency “shall evaluate comments on environmental issues” received from people who have reviewed a draft EIR and prepare written responses that “describe the disposition of each significant environmental issue that is raised by commenters” (Pub. Res. Code Section 21091(d); CEQA Guidelines Section 15088(c)). CEQA does not require that substantive responses be provided for comments that do not address the adequacy or accuracy of the environmental analysis in the Draft EIR or that do not raise a significant environmental issue (Id.).

A number of comments were received on the Draft EIR that did not question the adequacy or accuracy of the environmental analysis or raise a significant environmental issue requiring a response. Examples include but are not limited to comments that express support for, or opposition to, the proposed Project, and/or on the perceived merits or demerits of the Project. Other comments express opinions and observations or editorialize on non-environmental issues that are beyond the purview of CEQA and the EIR. These comments do not address the adequacy or accuracy of the environmental analysis in the Draft EIR or pertain to environmental effects of the proposed Project.

Some comments were received that contend the Project would have an adverse effect on the quality of life of the local residents and on the character of the community. Potential effects of a proposed project on the quality of life and related conditions, in and of themselves, are not considered environmental impacts under CEQA. See *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1989) 209 Cal.App.3d 1502. Similarly, changes in community character are not environmental effects under CEQA. See *Preserve Poway v. City of Poway*, 245 Cal. App. 4th 560, 575-82 (2016) (changes in community character are not effects under CEQA). CEQA does require that the environmental document evaluate and disclose significant impacts, among others, on transportation, air quality, noise, and public services at the Project site and its vicinity. Those effects are fully analyzed and disclosed in the Draft EIR.

The City acknowledges the public's concerns about these types of non-CEQA issues. However, the City generally does not provide individual responses to these comments in this Response to Comments document. In some cases, the City has elected to provide individual responses to certain non-CEQA issues for informational purposes. In all cases, these non-CEQA comments are part of the record on the Project and are provided to the City decision-makers as part of the project consideration process.

### 3.2.3 Master Response 2: Standards for Transportation Analysis under CEQA

Prior to passage of Senate Bill (SB 743), lead agencies determined transportation impacts under CEQA by measuring a project's contribution to automobile delay or congestion using the Level of Service (LOS) method. However, as of July 1, 2020, Vehicle Miles Traveled (VMT) became the new standard for evaluating the transportation-related environmental impacts of a development project under CEQA, and LOS is no longer evaluated under CEQA. VMT measures the total amount of driving attributed to a proposed project. Instead of measuring a project's impact on traffic congestion, VMT measures whether or not a project contributes to other state goals, like reducing greenhouse gas emissions, developing multimodal transportation, preserving open spaces, and promoting diverse land uses and infill development. Accordingly, the Draft EIR Section 4.14, *Transportation*, presents a VMT analysis instead of an LOS analysis; see also the Transportation Impact Analysis conducted in support of the Project and included in Appendix TRANS in the Draft EIR.

Nevertheless, separate from the CEQA process, local agencies may continue to use vehicle congestion metrics to inform non-CEQA transportation planning and evaluation. Consequently,

the City required the applicant to prepare a traffic operations analysis for the proposed Project, including LOS analysis at a number of critical study intersections in the project area, and vehicle queues at the U.S. 101 northbound and southbound off-ramps at Old Bayshore Highway and Broadway, respectively. This traffic study considered the proposed Project, along with existing traffic and reasonably foreseeable cumulative development in the study area. This analysis was conducted for informational purposes only and reviewed by the City and will be considered by decision-makers as part of the project approval hearings.

### 3.2.4 Master Response 3: Project Height and Massing

A number of comments were received that expressed concerns about the proposed development buildings' heights and massing, and that the buildings would exceed the City's zoning height limits established for the Project site.

As discussed in Draft EIR Section 4.10, *Land Use and Planning*, the Project site is designated as Bayfront Commercial (BFC) in the General Plan, which permits a variety of commercial uses, including higher-intensity office uses. The maximum allowed floor area ratio (FAR) for the BFC land use designation is 3.0. The Project site is similarly zoned as BFC under the City's Zoning Ordinance. The maximum permitted building height within the BFC zone is 65 feet. The BFC Zoning District allows a maximum base FAR of 1.0, referred to as Tier 1 development standards, without a Special Permit. Tier 2 and Tier 3 development standards allow for a maximum FAR of 2.0 and 3.0, respectively, with approval of a Special Permit and the provision of at least two or three, respectively, community benefits that exceed the City's normal requirements that improve the quality of life of employees, residents, and/or visitors, or assist the City in implementing an important plan or policy (Section 25.12.040).

As described in the Draft EIR Chapter 3, *Project Description*, the proposed Project would include the development of three 11-story life science and/or office buildings (South, Center and North buildings) and two 10 to 10½-story plus two basement level parking structures, along with site circulation, infrastructure, recreational, and landscaping improvements. The proposed three life science/office buildings would total approximately 1.42 million gross square feet (gsf) with a corresponding FAR of 2.71. The proposed South Building would measure 210.5 feet from average curb to top of the roof mechanical screen. The proposed Center and North Buildings would each measure 214.5 feet from average curb to top of the roof mechanical screen.

The proposed Project would be consistent with General Plan and Zoning Code regulations that govern height and intensity. The proposed square footage and height would be allowed at the Project site with approval of a Special Permit for Height above 65 feet and Tier 3 Increased FAR (per BFC Zone), among other required approvals. Furthermore, as indicated in Draft EIR, Section 4.1, *Aesthetics*, and 4.10, the proposed Project would be consistent with all other applicable zoning regulations and development standards, including those pertaining to setbacks, view corridors, lot coverage, lot frontage, and minimum lot size. With respect to view corridors (views to the Bay), the proposed Project would be consistent with Municipal Code 25.12.060(B), in that it proposes building frontage along the length of property of 68 percent, less than the 75 percent maximum allowed under this code. In fact, the Project would increase the view corridor from 30

percent (423 feet) under existing conditions to 32 percent (446 feet) with the Project development.

Therefore, with the approval of the requested Special Permit for the proposed Project's increased height, the proposed Project would be consistent with the BFC land use designation and zoning. Finally, the proposed Project would be subject to the City's design review process, which would require a finding that the proposed Project is consistent with applicable General Plan policies, design guidelines, and any other applicable City planning-related documents prior to approval of the proposed Project.

### **3.3 Comments and Responses**

Each written comment letter is designated with commenter code in upper right-hand corner of the letter. As discussed in Chapter 2 of this document, the commenter code begins with a prefix indicating whether the commenter represents a public agency (A), an organization (O), an individual (I), or a speaker at the public hearing (PH). This is followed by a hyphen and the acronym of the agency or organization, or the individual's last name.

Within each written comment letter, individual comments are labeled with a number in the margin. Immediately following each comment letter is a corresponding individual response to each numbered comment.

Within the meeting minutes of the Planning Commission public hearing, individual speaker comments are labeled with the name of the speaker followed by the numbered comment of the speaker in the margin. Immediately following the public hearing transcript are the corresponding individual responses to all of the numbered comments.

Where responses have resulted in changes to the Draft EIR, the reader is referred to changes that appear in Chapter 4 of this Response to Comments document. Where the individual response refers to the reader to one or more master responses, the reader is referred to the applicable master response(s) in Section 3.2 of this Response to Comments document.

### 3.3.1 Draft EIR Comment Letters - Public Agencies

DocuSign Envelope ID: 536B28E7-B86E-462A-838B-28857F706A30

## San Francisco Bay Conservation and Development Commission

375 Beale Street, Suite 510, San Francisco, California 94105 tel 415 352 3600  
State of California | Gavin Newsom – Governor | [info@bcdc.ca.gov](mailto:info@bcdc.ca.gov) | [www.bcdc.ca.gov](http://www.bcdc.ca.gov)

November 9, 2023

City of Burlingame Planning Division  
501 Primrose Road  
Burlingame, CA 94010  
ATTN: Catherine Keylon, Senior Planner  
Via E-mail: <ckeylon@burlingame.org>

**SUBJECT: Comments on the Draft Environmental Impact Report for the 1200-1340 Bayshore Highway Project (Peninsula Crossing); BCDC Inquiry File No. MC.MC.7415.026**

Dear Catherine:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the 1200-1340 Bayshore Highway (Peninsula Crossing) Project (Project).

The San Francisco Bay Conservation and Development Commission (BCDC) is providing the following comments as a responsible agency with discretionary approval power over aspects of the Project, as described below. BCDC will rely on the Final EIR when considering its approvals for the project, and we appreciate this opportunity to comment on the information and analyses presented in the DEIR. The Commission itself has not reviewed the DEIR; the following comments are based on BCDC staff review of the DEIR, the McAtter-Petris Act (Title 7.2 of the California Government Code), and the *San Francisco Bay Plan* (Bay Plan).

### San Francisco Bay Conservation and Development Commission

BCDC is a State planning and regulatory agency with permitting authority over San Francisco Bay, the Bay shoreline, and Suisun Marsh, as established in the McAtter-Petris Act and the Suisun Marsh Preservation Act. Per the McAtter-Petris Act, BCDC is responsible for granting or denying permits for any proposed fill; extraction of materials; or substantial changes in use of any water, land, or structure within the Commission's jurisdiction (Government Code Section 66632). Additionally, BCDC establishes land use policies for the Bay as a resource and for development of the Bay and shoreline in the Bay Plan, which provides the basis for the Commission's review and actions on proposed projects.

The Project site is partially located within two areas of BCDC's permitting jurisdiction:

- In the San Francisco Bay, being all areas subject to tidal action, including the marshlands lying between mean high tide and five feet above mean sea level; tidelands (land lying between mean high tide and mean low tide); and submerged lands (Government Code Section 66610[a]); and





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- In the shoreline band, consisting of all territory located between the shoreline of the Bay and 100 feet landward of and parallel with the shoreline (Government Code Section 66610[b]).

Areas in the Bay jurisdiction include Easton Creek and the tidally influenced wetland at the southern end of the Project site. Areas in the shoreline band jurisdiction include most of the open space and public access amenities, and portions of some of the buildings and parking structures.

## BCDC Jurisdiction

In our comments on the NOP, BCDC had requested that the DEIR include mapping to show the best understanding of the extents of BCDC jurisdiction at the project site. In reviewing the figures included in the DEIR, we did not find a depiction of the jurisdiction lines as they are currently understood by BCDC staff and the project proponent. Figures 3-4 through 3-7 include lines along the shoreline that appear to be from the older understanding of jurisdictional limits we mentioned in our NOP comments, but it is difficult to be certain without clear labeling. In particular, the notes in Figure 3-4 are not legible in the DEIR PDF and should be made larger and more clear in the Final EIR. Please provide at least one depiction of BCDC's jurisdiction in the Final EIR based on current information and ensure that it is clearly labeled. Additionally, please review the lines presented in the DEIR's figures to ensure that they are up to date and accurate and remove any outdated or inaccurate symbology from the figures. Lastly, please ensure that all symbols and lines presented on figures in the Final EIR are clearly labeled.

The following is from our NOP comments, for your reference:

Please note that the Exhibit 3, "Conceptual Site and Landscape Plan," included with the NOP depicts an older understanding of the jurisdictional limits that has been superseded, as BCDC staff has determined that the extent of tidal influence on Easton Creek is farther upstream than Old Bayshore Highway. Thus, BCDC's Bay jurisdiction follows the creek as it enters the culvert to the edge of the Project site. BCDC staff is available to review any mapping to ensure that our agency's jurisdiction is accurately depicted.

The most current depiction of BCDC jurisdiction at the project site is included in the project exhibits for the November 14, 2022, Design Review Board meeting, available online here: <https://www.bcdc.ca.gov/drb/2022/11-14-Agenda.html>.

## Project Description

Based on the DEIR, we understand that the Project will include the following components:

1. Three 11-story life science/office buildings totaling approximately 1.42 million gross square feet (gsf), including two ground-floor café/restaurant spaces each located in either the Center or South building.



2 cont.

3

4

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2. Two parking structures, each with 10 to 10.5 stories of above-grade parking and two levels of below-grade parking, providing approximately 1.18 million gsf of parking, or 3,400 parking spaces. Forty of the parking stalls would be dedicated for use by the public for shoreline access or access to the cafes.
3. Landscaping and public access amenities over 237,600 square feet of the project site, including a Bay Trail segment with a minimum width of 20 feet connecting to existing segments at the north and south ends of the project site, including a bicycle/pedestrian bridge across Easton Creek, and bicycle and pedestrian pathways along both sides of Easton Creek, between the North Parking Structure and the North Building, and between the South Parking Structure and the South Building.
4. Sea level rise and flood control improvements including elevating the project site to approximately +17 feet NAVD 88, sea walls, flood walls, riprap slopes, settlement mitigation, and seismic stabilization, as well as approximately 260 linear feet of soft or living shoreline.
5. Off-site circulation improvements to the Project frontage and crosswalks along Old Bayshore Highway.

4 cont.

In the Project Description, on page 3-19, the DEIR mentions "tenant amenity plazas." This term is not familiar to BCDC staff in relation to this project. Please clarify what these plazas are and where they are located. BCDC staff's understanding is that all plaza and lawn spaces provided as part of the project will be publicly accessible rather than limited to tenant use and would like to ensure that the project is being communicated correctly.

## Environmental Analyses

Below are BCDC staff's remaining questions and comments on the DEIR, organized by environmental topic.

### AESTHETICS

The following text is included on page 4.1-11 of the DEIR: "In Burlingame, standards for providing shoreline access have been adopted by both BCDC and the Burlingame City Council. These standards define how public access is provided on shoreline properties and establish measurable standards for implementation. Development within BCDC's jurisdiction is required to conform to these standards (City of Burlingame, 2019b)." Please provide additional detail and context as to what these standards are and where they can be found as it's not clear to BCDC staff whether this is referencing the Commission's Public Access Design Guidelines ([https://www.bcdc.ca.gov/planning/reports/ShorelineSpacesPublicAccessDesignGuidelinesForSFBay\\_Apr2005.pdf](https://www.bcdc.ca.gov/planning/reports/ShorelineSpacesPublicAccessDesignGuidelinesForSFBay_Apr2005.pdf)) or a different document. Please reach out to BCDC staff so that we may assist in ensuring that this reference is made correctly.

5





City of Burlingame  
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## BIOLOGICAL RESOURCES

The following text is included on page 4.3-12 of the DEIR: "Along the tidal channel of Easton Creek, where narrow bands of tidal salt marsh are present, BCDC's Bay jurisdiction is defined as MHW plus the upper extent of marsh vegetation." This description of BCDC's jurisdiction in areas of tidal marsh is not entirely accurate and should instead indicate that the shoreline in areas of tidal marsh is determined as the upland edge of tidal marsh up to 5 feet above Mean Sea Level.

Also please note that the description of BCDC as part of the Regulatory Framework should be categorized under State rather than Local as BCDC is a State agency. As part of the Regulatory Framework, please also acknowledge that the Bay Plan includes a number of policy sections related to biological resources, including Fish, Other Aquatic Organisms and Wildlife; Tidal Marshes and Tidal Flats; Subtidal Areas; and Mitigation.

## GEOLOGY AND SOILS

Impact GEO-3 on page 4.6-15 includes the following statement: "The BMPs may include dewatering procedures, storm water runoff quality control measures, watering for dust control, and the construction of silt fences, as needed." For this analysis, please include an additional statement that establishes how such measures will ensure that the project would not result in substantial soil erosion or the loss of topsoil. The connection between the action and the lessening of the impact is not currently clear and should include more details to provide relevant context for the finding.

## HYDROLOGY AND WATER QUALITY

The Bay Plan includes policy sections for Water Quality and Climate Change that are relevant to the DEIR hydrology and water quality analysis. Please review these policies and include a section on the Bay Plan in the State Regulatory Framework for this section.

Additionally, the analysis for Impact HYD-3 assesses the capacity of the Project's proposed storm drainage to avoid significant impacts related to drainage. However, the analysis appears to be limited to shorter-term conditions that do not consider rising sea levels in the future. As future sea levels may affect the functionality of the storm drainage system, please include a discussion of how storm drainage will continue to function adequately at higher sea levels and/or how the storm drainage system can be adapted in the future to ensure adequate drainage for the life of the project.

## PUBLIC SERVICES AND RECREATION

Per the McAteer-Petris Act, BCDC is tasked with ensuring maximum feasible public access to the Bay. Please include a section describing BCDC's authority and policies as related to public access in the Regulatory Framework for this section. Please note that the Commission is required to



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ensure that permitted projects provide maximum feasible public access consistent with the project and that public access improvements will likely be included as conditions of approval as part of any BCDC permit for the Project.

↑  
11 cont.

Additionally, please review the wording of the finding for Impact PSR-5, which currently states, "Implementation of the Project would include recreational facilities, but would not require the construction or expansion of recreational facilities which might have a substantially adverse physical effect on the environment." Based on the Project proposal and BCDC's laws and policies, implementation of the project will require the construction and expansion of recreational facilities.

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12

#### TRANSPORTATION

One of BCDC's key considerations for assessing maximum feasible public access is the convenience and safety of site access where a project connects to the larger transportation network, particularly for members of the public approaching the site via the Bay Trail or by surface roads. Please review the findings and policies in the Bay Plan's sections on Transportation and Public Access and reference them in the Regulatory Framework for the Section 4.14. Note that the Bay Plan should be considered a plan or policy "addressing the circulation system" that is the subject of the analysis in Impact TR-1.

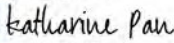
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13

#### Conclusion

We appreciate your attention to the topics discussed above and for the opportunity to make the above comments on the DEIR. If you have any questions or concerns regarding this matter, please do not hesitate to contact me at (415)-352-3650 or by email at [katharine.pan@bcdc.ca.gov](mailto:katharine.pan@bcdc.ca.gov).

↑  
14

Sincerely,

DocuSigned by:  
  
157169C7B19F403...

KATHARINE PAN  
Shoreline Development Program Manager

KP/ra

cc: State Clearinghouse ([state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov))



### **Responses to Comments from BCDC**

- A-BCDC-1      The commenter summarizes BCDC’s purpose and permitting authority over the San Francisco Bay and Bay shoreline, and BCDC’s establishment of land use policies in the Bay Plan which provides the basis for the Commission’s review and actions on proposed projects.
- The comments are acknowledged, no response is required.
- A-BCDC-2      The commenter indicates the Project site is located partially within BCDC’s Bay jurisdiction, including Easton Creek and the tidally influenced wetland at the south end of the Project site; and areas within BCDC’s shoreline band jurisdiction include most of the proposed open space and public access amenities, and portions of the proposed buildings and parking structures.
- The comments are acknowledged, no response is required.
- A-BCDC-3      The commenter indicates the BCDC jurisdictions depicted in Draft EIR Figures 3-4 through 3-7 appear to be from an older understanding of its jurisdictional limits. The commenter indicates the notes in Figure 3-4 are not legible in the DEIR PDF, and should be made larger and more clear. The commenter requests at least one figure in the EIR with current information and ensure that it is clearly labeled.
- Figures 3-4 through 3-7 have been revised to reflect the current BCDC 100-foot shoreline band; labels and titles for jurisdictional limits on the figures have been made clearer; and Figure 3-4 is enlarged from an 8½ x 11-inch to a 11 x 17-inch dimension. Please refer to Chapter 4, *Revisions to the Draft EIR*, of this Response to Comments document for the revised figures.
- A-BCDC-4      The commenter summarizes the primary physical characteristics of the proposed Project. The commenter then requests clarification the meaning of “tenant amenity plazas.”
- Amenity plazas would be located outside of the restaurants in the South Building and Center Building, along the proposed Bay Trail extension. Both restaurants would be publicly accessible and operated by restaurant/food and beverage tenants. The plazas adjacent to the restaurants would also be publicly accessible, both to patrons of the restaurant and to members of the public not dining in the restaurants.
- A-BCDC-5      The commenter requests additional detail regarding adopted standards for providing shoreline access referenced on page 4.1-11 of Draft EIR Section, 4.1 *Aesthetics*. Please refer to Chapter 4, *Revisions to the Draft EIR*, of this Response to Comments document for the proposed revisions to provide the requested additional detail.

- A-BCDC-6      The commenter indicates that a description of BCDC’s jurisdiction presented in Draft EIR Section, 4.3 *Biological Resources*, page 4.13-12 should be revised to indicate that the shoreline in areas of tidal marsh is determined as the upland edge of tidal marsh up to 5 feet above mean sea level.

The comment is noted. Please refer to Chapter 4, *Revisions to the Draft EIR*, of this Response to Comments document for the proposed revision, which reflects that BCDC’s jurisdiction is defined as the upland edge of tidal marsh up to 5 feet above mean sea level.

- A-BCDC-7      The commenter requests that the description of BCDC in the *Regulatory Framework* in Section 4.3, Biological Resources, be categorized under State, rather than Local, as BCDC is a State agency. The commenter also requests that in the description of the Bay Plan, it is acknowledged that it includes a number of policy sections related to biological resources, including Fish, Other Aquatic Organisms and Wildlife, Tidal Marshes and Tidal Flats, Subtidal Areas, and Mitigation.

These comments are noted. Please refer to Chapter 4, *Revisions to the Draft EIR*, of this Response to Comments document for the proposed revision related to moving the description of BCDC under the State heading and acknowledging the existence of BCDC policies related to biological resources.

- A-BCDC-8      The commenter requests that in Impact GEO-3 in Section 4.6, Geology and Soils, an additional statement be included that establishes how BMPs will ensure that the Project would not result in substantial topsoil erosion or the loss of topsoil during construction.

As discussed under *Local Geology* on page 4.6-1, the Project site is underlain by approximately 8.5 to 12.5 feet of undocumented (artificial) fill. As such, the Project site does not contain any native topsoil. Please refer to Chapter 4, *Revisions to the Draft EIR*, of this Response to Comments document for a proposed revision to Impact GEO-3 to clarify that there is no native topsoil on the Project site.

Nevertheless, as discussed in Impact GEO-3, there is the potential for soil erosion to occur on the Project site during Project construction. Impact GEO-3 explains that the Project would be subject to the requirements of the NPDES General Permit for Stormwater Discharge Associated with Construction and Land Disturbance Activities (Construction General Permit). The Construction General Permit requires the preparation and implementation of a SWPPP, which would include BMPs designed to control and reduce soil erosion. The Draft EIR provides examples of measures to prevent erosion during construction.

Other soil erosion control measures may include, but are not limited to, avoiding excavation and grading during wet weather; conducting routine inspections of

erosion control measures especially before and immediately after rainstorms; planting of temporary vegetation and/or use of erosion control blankets on exposed slopes; covering stockpiled soil and landscaping material and diverting runoff around them; and stabilizing disturbed areas using permanent vegetation as soon as possible.

- A-BCDC-9 The commenter indicates the Bay Plan includes policy sections for Water Quality and Climate Change that are relevant to the Draft EIR *Hydrology and Water Quality* section analyses and requests the EIR section include a section on the Bay Plan in the State Regulatory Framework for this section.

Please refer to Chapter 4, *Revisions to the Draft EIR*, of this Response to Comments document for a discussion of San Francisco Bay Plan water quality and climate change policies, which has been added to the EIR.

- A-BCDC-10 The commenter indicates the analysis in Impact HYD-3 appears to be limited to shorter-term conditions that do not consider rising sea levels in the future. The commenter requests a discussion of how the storm drainage system can be adapted in the future to ensure adequate drainage for the life of the project.

The *Regulatory Setting* section of Section 4.9, *Hydrology and Water Quality*, describes the City's *Sea Change Burlingame* which evaluated potential impacts to sea level rise on the Bayfront; developed adaptation strategies to reduce future flood risks; and informed City policies and future planning efforts, including the City's zoning ordinance. City Zoning ordinance Chapter 25.12, Article 2 includes flood and sea level rise performance criteria applicable to new development on the Project site. This includes Section 25.12.050.I, which requires that for all properties within the Sea Level Rise Overlay Area indicated on the City's Map of Future Conditions, the lowest finished floor of new buildings must be elevated to 13 ft NAVD 88 in conformance with this Map. Section 12.050.I also requires that properties with Bay frontage include shoreline infrastructure that meets the specification in the Map of Future Conditions. For the Project site, this infrastructure consists of flood protection with a crest elevation of 17 ft NAVD 88 that is consistent with FEMA accreditation standards in the Code of Federal Regulations (CFR). Section 25.12.050.J requires that prior to issuance of a Building Permit, a registered professional engineer shall certify that the design, specifications, and plans for the construction of Shoreline infrastructure are in accordance with applicable requirements including, but not limited to, those in Chapter 25.12.050.I, FEMA guidance, and the CFRs related to the mapping of areas protected by levee systems. In sum, the Project will be constructed to the elevation required for anticipated end-of-century sea level rise. All storm drainage systems will be incorporated into the raised elevation at time of construction and will be designed accordingly.



The Project would also include long-term sea level rise protection measures in compliance with the guidelines of Chapter 25.12.050. As described in Impact HYD-3, the proposed Project includes a number of shoreline improvements and other features relevant to sea level rise and flooding, including raised ground, sea walls, flood walls, riprap slopes, settlement mitigation, and/or geotechnical provisions for seismic stability of the shoreline and along Easton Creek.

- A-BCDC-11 The commenter requests a description of BCDC’s authority and policies related to public access to the Bay to be included in the *Regulatory Framework* section of Draft EIR Section 4.13, *Public Services and Recreation*. Please refer to Chapter 4, *Revisions to the Draft EIR*, of this Response to Comments document for the proposed revisions to provide the requested description. The commenter also notes that BCDC is required to ensure that permitted projects provide maximum feasible public access consistent with the project and that public access improvements will likely be included as conditions of approval as part of any BCDC permit for the Project. The comment is acknowledged. The commenter is also directed to Draft EIR Section 3.5, *Project Approvals*, page 3-33, which identifies that the Project may require approvals from other federal, regional, and state entities, including BCDC.
- A-BCDC-12 The commenter references the impact statement in Impact PSR-5. This impact statement, and the analysis that follows it, acknowledges and describes the new recreational facilities that would be constructed as part of the Project. The Draft EIR’s conclusion that the Project “would not require the construction or expansion of recreational facilities” refers to the fact that recreational facilities would not be expanded outside those described within the scope of the proposed Project, and the employee population introduced by the Project would not require the City to expand any additional facilities. The analysis discloses that the environmental effects associated with the construction of the recreational facilities are analyzed in other sections this EIR (e.g., Air Quality, Biological Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise and Vibration, and Transportation). The analysis of Impact PSR-5 concludes by stating that compliance with mitigation measures and other construction-related regulatory requirements would reduce construction related-effects of new recreational facilities to less than significant levels.
- A-BCDC-13 The commenter requests a description of findings and policies in the Bay Plan’s sections on transportation and public access to be included in the *Regulatory Framework* section of Draft EIR Section 4.14, *Transportation*. Please refer to Chapter 4, *Revisions to the Draft EIR*, of this Response to Comments document for the proposed revisions to provide the requested description.

The commenter also notes that the Bay Plan should be considered a plan or policy “addressing the circulation system” that is the subject of the analysis in Impact TR-1. In response to this comment, as discussed in Impact TR-1, the

construction contractor would be required to prepare traffic control plans addressing each phase of construction as part of the City's encroachment permit process. The traffic control plans would provide for rerouting for pedestrians and bicyclists, as needed, including for the Bay Trail.

As further discussed in Impact TR-1, the Bay Trail extension would close the existing gap in the Bay Trail at this location. The proposed extension of the Bay Trail would include transitions to existing segments of the Bay Trail at the north and south end of the Project site, as well as a pedestrian/bicycle bridge over Easton Creek. Furthermore, along the Project's frontage, there are a number of proposed modifications to the existing pedestrian facilities in the Project vicinity, including new sidewalks on the Project site frontage on Old Bayshore Highway and on Airport Boulevard. The sidewalk on Old Bayshore Highway would connect to a new public trail that would be built along both sides of Easton Creek which would provide a key pedestrian connection to the proposed Bay Trail extension through the Project site.

As provided in the Impact TR-1 conclusion, given the relatively low volume of new walking and biking trips, the path, roadway, loading, and intersection bicycle facilities that are present and would be constructed, new walking and biking trips generated under the Project are not expected to exacerbate vehicle conflicts. Therefore, Impact TR-1 sufficiently demonstrates that construction and operation of the Project would not result in conflicts with programs, plans, ordinances, or policies addressing the circulation system, including the transportation and public access policies of the Bay Plan.

- A-BCDC-14    The commenter expresses appreciation for the opportunity to comment on the Draft EIR, and for the City to address topics discussed in the comment letter. The comment is acknowledged.

CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

California Department of Transportation

DISTRICT 4  
OFFICE OF REGIONAL AND COMMUNITY PLANNING  
P.O. BOX 23660, MS-10D | OAKLAND, CA 94623-0660  
[www.dot.ca.gov](http://www.dot.ca.gov)



November 3, 2023

SCH #: 2022080299  
GTS #: 04-SM-2022-00540  
GTS ID: 27371  
Co/Rt/Pm: SM/101/16.805

Catherine Keylon, Senior Planner  
City of Burlingame  
501 Primrose Road  
Burlingame, CA 94010

Re: 1200-1340 Bayshore Highway Project – Draft Environmental Impact Report (DEIR)

Dear Catherin Keylon:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the 1200-1340 Bayshore Highway Project. We are committed to ensuring that impacts to the State’s multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system.

The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the September 2023 DEIR.

Project Understanding

The proposed project would construct approximately 1.46 million gross square feet (s.f.) of life science/office uses in three 11-story buildings and two parking structures containing a total of 3,525 parking spaces. The Project a total of 5,000 s.f. of café/restaurant space. A new 1,475-foot segment of Bay Trail is proposed to connect the current trail gap along the Project site. Proposed off-site improvements include lane restriping, new medians, and signal modifications at the Caltrans intersection of US-101 northbound and southbound off-ramps.

Project Coordination

Please note a stormwater mitigation project in the area known internally to Caltrans as 3AC10, located within the vicinity of the project site and may pose a potential construction conflict given the planned schedule.

“Provide a safe and reliable transportation network that serves all people and respects the environment!”



Catherine Keylon, Senior Planner  
November 2, 2023  
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**Travel Demand Analysis**

With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Transportation Impact Studies, please review Caltrans' Transportation Impact Study Guide ([link](#)). Caltrans commends that the proposed project's TDM plan would result in a 25 percent reduction in Vehicle Miles Traveled (VMT), further reducing VMT below the City's VMT threshold, which is in support of meeting the State's VMT reduction goal.

3

**Roadway Modifications**

Section 3.3.5 Vehicle Circulation. the center driveway is located directly across from the northbound US-101 Broadway Avenue on and off-ramps, which is not as per Highway Design Manual (HDM) Section 504.8 Access Control.

4

Please verify that raised traffic islands at the intersection of the northbound US-101 Broadway Avenue on- and off-ramps at Old Bayshore Hwy meet the requirements of HDM Section 405.4 Traffic Islands.

5

Impact TR-3 on page 4.14-20. The northbound US-101 Broadway Avenue offramp currently is a 2 to 3 lane off-ramp. At the intersection with Old Bayshore Hwy, the left off-ramp lane is a left-turn lane, the middle lane allows for a left turn, through traffic, or right turn, and the right lane is a right-turn lane. The proposed off-ramp striping configuration is the left lane is a left-turn lane, the middle lane allows for a left-turn and through lane, and the right lane is a through lane and right turn lane. Any modification to existing striping must be coordinated with and approved by the Caltrans Office of Highway Operations.

6

In addition, a Traffic analysis should be completed and submitted for Caltrans to review and HDM section 504.8 access control should be assessed.

7

**Hydrology**

It is recommended that Federal Emergency Management Agency (FEMA) Flood Maps and Sea Level Rise (SLR) Maps showing the site location and the potential impacts discussed in Section 4.9 be included. These maps will enhance report reviewers understanding of the project and may be included in the Appendix.

8

Page 4.9-19, paragraph 6. It may be helpful to identify and cite the source referenced to obtain the 17-foot North American Vertical Datum of 1988 (NAVD88) crest elevation selected by the City and County planning department for regional flood protection infrastructure.

9

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Catherine Keylon, Senior Planner  
November 2, 2023  
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Page 4.9-4, Sea Level Rise. It may be useful to further explain how this project meets the Ocean Protection Council's 2018 Guidelines for SLR resiliency. For example, the nearest tide gauge selected, the project lifespan, evaluation of the potential impacts, and/or selection of SLR projections for the site location based on risk tolerance. An explanation of how this project would adopt adaptation pathways to increase SLR resiliency and how this project ties into the City, County and State's SLR objectives may also be included as well.

10

**Construction-Related Impacts**

Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, please visit Caltrans Transportation Permits ([link](#)). Prior to construction, coordination may be required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to the State Transportation Network (STN).

11

**Lead Agency**

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

12

**Equitable Access**

If any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. As well, the project must maintain bicycle and pedestrian access during construction. These access considerations support Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.

13

**Encroachment Permit**

Please be advised that any permanent work or temporary traffic control that encroaches onto Caltrans' Right-of-Way (ROW) requires a Caltrans-issued encroachment permit. As part of the encroachment permit submittal process, you may be asked by the Office of Encroachment Permits to submit a completed encroachment permit application package, digital set of plans clearly delineating Caltrans' ROW, digital copy of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response to the comment letter, and where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement. Your application package may be emailed to [D4Permits@dot.ca.gov](mailto:D4Permits@dot.ca.gov).

14

To obtain information about the most current encroachment permit process and to download the permit application, please visit Caltrans Encroachment Permits ([link](#)).

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Catherine Keylon, Senior Planner  
November 2, 2023  
Page 4

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Melissa Hernandez, Associate Transportation Planner, via [LDR-D4@dot.ca.gov](mailto:LDR-D4@dot.ca.gov). For future early coordination opportunities or project referrals, please contact [LDR-D4@dot.ca.gov](mailto:LDR-D4@dot.ca.gov).

15

Sincerely,

A large black rectangular redaction box covering the signature area.

YUNSHENG LUO  
Branch Chief, Local Development Review  
Office of Regional and Community Planning

c: State Clearinghouse

"Provide a safe and reliable transportation network that serves all people and respects the environment"

**Responses to Comments from Caltrans**

- A-Caltrans-1 The commenter expresses appreciation to comment on Draft EIR, discusses the Local Development Review role in reviewing land use projects, and summarizes the main characteristics of the Project. These comments are acknowledged.
- A-Caltrans-2 The commenter indicates that a stormwater mitigation project in the area known internally to Caltrans as 3AC10 located in the vicinity of the Project site may pose a potential construction conflict given the planned schedule. The comments are noted. It should be noted that any stormwater improvements that may be required for off-site transportation improvements would be subject to applicable stormwater management controls during construction, including use of BMPs to control and reduce erosion, and control sedimentation in runoff.
- A-Caltrans-3 The commenter indicates the proposed Project's Transportation Demand Management (TDM) Plan would result in a 25 percent reduction in vehicle miles traveled (VMT), further reducing VMT below the City's threshold, which is in support of meeting the State VMT reduction goal. The comments are acknowledged; no response is required.
- A-Caltrans-4 The commenter indicates that the center driveway design (directly across from the freeway on and off ramps) is inconsistent with Highway Design Manual Section 504.8 Access Control. The project sponsor in consultation with the City is working with Caltrans staff through the design engineering evaluation report (DEER) process. As part of this process, a Design Standard Decision Document is being prepared for Caltrans review, which requests a design exception from HDM Section 504.8 Access Control for the proposed location of the center driveway. Should Caltrans reject the design exception, the driveway would need to be redesigned to meet Caltrans requirements and may require amendments to the project approvals and/or supplemental environmental review to determine any new or differing environmental impacts as a result of those changes, depending on the project amendments.
- A-Caltrans-5 The commenter requests confirmation that the raised traffic islands meet Caltrans standards. The raised traffic islands meet the requirements of HDM Section 405.4 Traffic Islands.
- A-Caltrans-6 The commenter indicates that in Draft EIR Impact TR-3 that any proposed modification to the striping at the northbound U.S. 101 Broadway off-ramp must be coordinated with and approved by the Caltrans Office of Highway Operations. The comment is acknowledged.
- A-Caltrans-7 As part of the Caltrans DEER process, a Design Standard Decision Document is being prepared for Caltrans review, which documents the design exception from HDM Section 504.8 Access Control. This includes associated traffic analysis. Traffic analysis has also been provided to the City of Burlingame for evaluation and

will be available for consideration as part of project approval hearing materials. Traffic analysis has not been included in the Draft or Final EIR documents, as CEQA transportation impacts are no longer evaluated through congestion/LOS analysis due to provisions of SB 743 (described above in greater detail).

A-Caltrans-8 The commenter recommends that the Federal Emergency Management Agency (FEMA) Flood Maps and Sea Level Rise (SLR) Maps showing the site and potential impacts discussed in Section 4.9 be included. With respect to FEMA Flood Maps for the Project site vicinity, please refer to Appendix FLD included in this Response to Comments document. With respect to sea level rise maps, the commenter is referred the City of Burlingame's sea level rise webpage, which provides substantial information, including maps of future flood risks for the Burlingame shoreline area:  
[https://www.burlingame.org/departments/sustainability/sea\\_level\\_rise.php](https://www.burlingame.org/departments/sustainability/sea_level_rise.php)

A-Caltrans-9 The commenter indicates it would be helpful to cite a source referenced to obtain the 17-foot North American Vertical Datum of 1988 (NAVD88) crest elevation selected by the City and County planning department for regional flood protection infrastructure.

The source is the San Mateo County Flood & Sea Level Rise Resiliency District (known as OneShoreline) *Planning Policy Guidance to Protect and Enhance Bay Shoreline Areas of San Mateo County* (June 2023). Please refer to Chapter 4, *Revisions to the Draft EIR*, of this Response to Comments document which adds the proposed source citation to the Draft EIR.

A-Caltrans-10 The commenter indicates it would be useful to explain how this project meets the Ocean Protection Council's 2018's Guidelines for SLR resiliency.

The City's zoning code and associated city Map of Future Conditions (City of Burlingame, 2021b) were developed in concert with San Mateo County Flood & Sea Level Rise Resiliency District (OneShoreline). OneShoreline's *Planning Policy Guidance to Protect and Enhance Bay Shoreline Areas of San Mateo County* explains how the elevations in the county Map of Future Conditions were selected to be in alignment with state guidance (e.g. the Ocean Protection Council). The city's Map of Future Conditions is consistent with the county Map of Future Conditions.

The Project meets the OPC (2018) guidelines for SLR resiliency and BCDC SLR adaptation requirements, which require projects to address SLR projected by mid-century (2050) and the ability to adapt to SLR projected by the end of the century (2100). The OPC SLR projection adopted for the project is the 1-in-200 Chance, High Emissions, Medium to High Risk Aversion projection, which projects 1.9 feet of SLR by mid-century and 6.9 feet of SLR by the end of the century.

Additionally, the Project meets OneShoreline SLR requirements to incorporate shoreline infrastructure that provides a continuous crest elevation contour at the FEMA BFE plus 6 feet.

The FEMA Base Flood Elevation (BFE) is +11 feet NAVD88 along the Bay shoreline and +10 feet NAVD88 along Easton Creek. The Project top of shoreline infrastructure along the Bay is El. +17 feet NAVD88, and El. +16 feet NAVD88 along Easton Creek. For 1.9 feet of SLR projected by 2050, the Project provides a SLR allowance of 4.1 feet above the projected SLR. For 6.9 feet of SLR projected by 2100, the Project shoreline could be subject to flooding in a 1 percent annual chance (100-year) flood event, but would not be impacted by daily high tides or annual King tides. The proposed adaptation to SLR by the end of the century includes incorporation of a low-profile wall along the seaward edge of the Bay Trail and/or raising the trail by about one foot.

- A-Caltrans-11 The commenter indicates that project work that requires movement of an oversized or excessive load vehicles on State roadways require a transportation permit that would be issued by Caltrans. The comment is noted; no response is required.

The commenter also states that prior to construction, coordination may be required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to Caltrans network. The comment is noted. Please note that as discussed in Impact TR-1 in the Draft EIR, prior to first phase of construction, the construction contractor would be required to prepare traffic control plans addressing each phase of construction as part of the City's encroachment permit process. The traffic control plans would provide for rerouting for pedestrians, bicyclists and motorists during construction, as needed. The traffic control plan would also document how temporary facilities, detour routes, and/or signage would be provided consistent with guidance provided by the California Manual on Uniform Traffic Control Devices (CA-MUTCD). The traffic control plan would also address construction access, staging and hours of delivery; identify routes for construction haul trucks to utilize; and provide for active management of construction truck traffic, as needed.

- A-Caltrans-12 The commenter indicates that the City of Burlingame, as Lead Agency, is responsible for all project mitigation, including any needed improvements to Caltrans facilities.

All mitigation measures in the Draft EIR state the objective of the mitigation measure; explain the specifics for how the mitigation measure will be implemented; identify the agency, organization or individual responsible for implementing the measure (which may not be the City); and the schedule for implementation. Furthermore, the City will adopt a mitigation monitoring and reporting program which will address how it will monitor all of the mitigation

measures to ensure implementation. Please also see the response to Comment A-Caltrans-4, above, describing the DEER process.

- A-Caltrans-13 The commenter indicates that any Caltrans facilities that are impacted by the project must meet American Disability Act (ADA) standards after project completion. The commenter adds that the project must maintain bicycle and pedestrian access during construction.

The comments are noted. All permanent improvements that would occur to off-site transportation facilities, including Caltrans facilities, would be designed to meet applicable ADA standards. Furthermore, as discussed in response to Comment A-Caltrans-11, above, the traffic control plan required to be implemented for the Project would provide for rerouting for pedestrians, bicyclists and motorists during construction, as needed.

- A-Caltrans-14 The commenter indicates that any permanent work or temporary traffic control that encroaches onto Caltrans's right-of-way (ROW) requires a Caltrans-issues encroachment permit and associated submittals, which may include an encroachment permit application package, plan delineating Caltrans ROW, traffic control plans, and other documents. The comment is noted; no response is required.

- A-Caltrans-15 The commenter expresses appreciation for being included in the environmental review process. The comment is noted.



San Francisco International Airport

November 8, 2023

Catherine Keylon  
City of Burlingame  
Community Development Department  
501 Primrose Road  
Burlingame, California 94010

**TRANSMITTED VIA EMAIL ONLY**  
ckeylon@burlingame.org

***Subject: Comments on Draft Environmental Impact Report: 1200-1340 Old Bayshore Highway Project, Burlingame, California***

Thank you for notifying the San Francisco International Airport (SFO or the Airport) of the availability of the Draft Environmental Impact Report (DEIR) for the 1200-1340 Old Bayshore Highway Project (Proposed Project), located in the City of Burlingame (City). We appreciate this opportunity to review and provide comments on the DEIR.

As described in the DEIR, the Proposed Project is located along the Burlingame bayfront between Old Bayshore Highway and San Francisco Bay on an approximately 12-acre site that consists of 13 contiguous parcels (Assessor's Parcel Numbers 026-113-470, 026-113-480, 026-142-220, 026-142-160, 026-142-170, 026-113-330, 026-113-450, 026-142-110, 026-142-200, 026-142-240, 026-142-020, 026-142-030, and 026-142-180). The site is occupied by eight commercial buildings ranging in height from one to three stories and surface parking for approximately 550 vehicles.

The Proposed Project consists of demolishing the existing buildings and surface parking and constructing three 11-story buildings (North, Center, and South) for life science or office uses and two 10-story parking structures (North and South) containing a total of approximately 3,400 parking spaces. Other amenities would include approximately 5,000 square feet of café/restaurant space, approximately 237,600 square feet of landscaped area and open space, and a pedestrian/bicycle bridge spanning Easton Creek. A new 1,475-foot-long segment of the San Francisco Bay Trail would extend across the Proposed Project site and connect to existing segments of the trail at the northern and southern ends of the Proposed Project site.

The Proposed Project site is within two Airport Influence Areas (AIAs): Area A – Real Estate Disclosure Area (all of San Mateo County) and Area B – Policy/Project Referral Area (a smaller subarea in the northern part of San Mateo County), as defined by the *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport* (SFO ALUCP). Within Area A, the real estate disclosure requirements of state law apply (see attachment). A property owner offering a property for sale or lease must disclose the presence of planned or existing airports within two miles of the property. Within Area B, the Board of Directors of the City/County Association of Governments of San Mateo County, acting as the designated Airport Land Use Commission (ALUC), shall review proposed land use policy actions, including new general plans, specific plans, zoning ordinances, plan amendments and rezonings, and land development proposals (see attachment). The real estate disclosure requirements in Area A also apply in Area B.

**AIRPORT COMMISSION CITY AND COUNTY OF SAN FRANCISCO**  
LONDON N. BREED MAYOR MALCOLM YEUNG PRESIDENT EVERETT A. HEWLETT, JR. VICE PRESIDENT JANE NATOLI JOSE F. ALMANZA MARK BUELL IVAR C. SATERO AIRPORT DIRECTOR  
Post Office Box 8097 San Francisco, California 94128 Tel 650.821.5000 Fax 650.821.5005 www.flysfo.com



*Catherine Keylon, City of Burlingame*  
*November 8, 2023*  
*Page 2 of 4*

The Proposed Project site is located outside of the 65 decibel Community Noise Equivalent Level (CNEL) contour and all safety compatibility zones and, therefore, the Proposed Project would not appear to be inconsistent with the Noise and Safety Compatibility Policies adopted in the SFO ALUCP.

As described in Exhibit IV-17 of the SFO ALUCP (see attachment), the critical aeronautical surfaces at the Proposed Project site range from an elevation of approximately 240 feet above mean sea level (AMSL)<sup>1</sup> at the north end of the site to approximately 280 feet AMSL at the south end of the site. The North Parking Structure would reach a maximum height of 114 feet (an elevation of 124 feet AMSL), which would be lower than the elevation of the lowest critical aeronautical surface at this location. The North and Center buildings would be the tallest structures on the Proposed Project site and would reach a maximum height of 214 feet, 6 inches (an elevation of 225 feet AMSL), which would be lower than the elevations of the critical aeronautical surfaces at these locations. The Proposed Project would not appear to be inconsistent with Airspace Protection Policy AP-3 (Maximum Compatible Building Height) of the SFO ALUCP, subject to the issuance of a Determination of No Hazard from the Federal Aviation Administration (see below) for any proposed structures and determinations from the City/County Association of Governments of San Mateo County as the designated ALUC.

This evaluation does not waive the requirement for the Proposed Project sponsor to undergo Federal Aviation Administration airspace review as described in 14 Code of Federal Regulations Part 77 for both (1) the permanent structures and (2) any equipment taller than the permanent structures required to construct those structures.

The DEIR states that approximately 137,550 square feet of the Proposed Project site would be landscaped. In addition, 67 existing trees would be removed and replaced with 230 new trees. The Airport is concerned that these features could attract wildlife, including birds, to the Proposed Project site, which is about 1.3 miles from the nearest runway at SFO. Birds pose a significant safety hazard to aircraft that are taking off or landing at SFO. A bird strike that disables an aircraft engine could result in the catastrophic loss of human life, including people onboard the aircraft and on the ground.

Airspace Protection Policy AP-4 (Other Flight Hazards Are Incompatible) of the SFO ALUCP states that:

“Proposed land uses with characteristics that may cause visual, electronic, or wildlife hazards, particularly bird strike hazards, to aircraft taking off or landing at the Airport or in flight are incompatible in Area B of the Airport Influence Area ... Specific characteristics that may create hazards to aircraft in flight and which are incompatible include: ... (f) Any use that creates an increased attraction for wildlife, particularly large flocks of birds, that is inconsistent with FAA rules and regulations, including, but not limited to, ... FAA Advisory Circular 150/5200-33B, *Hazardous Wildlife Attractants On or Near Airports*, and any successor or replacement orders or advisory circulars.”

The proposed landscaping and trees have the potential to attract wildlife. The Airport urges the developer to reduce the amount of landscaping and the number of trees on the Proposed Project site. If the amount of landscaping cannot be reduced, low-lying vegetation/brush that does not provide cover or shelter for

<sup>1</sup> The elevation above mean sea level is defined from the origin of the North American Vertical Datum of 1988.

Catherine Keylon, City of Burlingame  
November 8, 2023  
Page 3 of 4

wildlife, of a non-seeding variety, should be planted. If the number of trees cannot be reduced, trees that provide minimal roosting opportunities for birds should be planted.

Airspace Protection Policy AP-4 also states that “(a) [s]ources of glare, such as highly reflective buildings or building features, or bright lights ... which would interfere with the vision of pilots making approaches to the Airport,” are incompatible with the SFO ALUCP. Section 3.3.6 of the DEIR states that lighting would be designed to prevent light spillage off-site, and the Airport requests that special consideration should be given to potential sources of glare along SFO’s runways and approach paths.

Impact HAZ-3 of the DEIR discusses the Proposed Project’s compliance with federal airspace regulations. The Airport recommends the following revisions (deletions shown in ~~strike through~~ and new text shown in double underline) to the second and third paragraphs under Impact HAZ-3 on page 4.8-23 of the DEIR:

Further, as discussed in Section 4.8.1, the Project site is located in area covered by FAR Part 77 imaginary airspace surfaces for SFO for which any object penetrating this surface would be considered an obstruction to air navigation. Specifically, the lowest critical aeronautical surface above the Project site ranges between 240 and 280 feet AMSL<sup>5</sup>. As explained in Chapter 3, *Project Description*, the three proposed life science/office buildings would measure no greater than 225 feet, 6 inches AMSL to top of the roof mechanical screen, and parking structures would measure no greater than 123 ~~113~~ feet, 10 inches AMSL to top of parapet. As such, the proposed Project buildings would not represent an obstruction to air navigation under FAR Part 77, Subpart C.

Accordingly, SFO commented ~~determined~~ that the proposed Project does not appear to be inconsistent with the ALUCP Airspace Compatibility policies, provided the proposed Project receives a Determination of No Hazard from the FAA (SFO, 2022). CFR Title 14 Part 77.13 requires that the developer for structures that exceed 200 feet in height above ground level must obtain project approval from the FAA. In addition, prior to issuance of any demolition or construction permits, the City would require the Project applicant to provide appropriate notification of proposed construction to the FAA via FAA Form 7460-1 (Notice of Proposed Construction or Alteration).

\* \* \*

The Airport appreciates your consideration of these comments. If I can be of assistance, please do not hesitate to contact me at (650) 821-6678 or at nupur.sinha@flysfo.com.

Sincerely,

DocuSigned by:  
*Nupur Sinha*  
70552A8A4C0E495

Nupur Sinha  
Director of Planning and Environmental Affairs  
San Francisco International Airport

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*Catherine Keylon, City of Burlingame*  
*November 8, 2023*  
*Page 4 of 4*

Attachment     Airport Influence Area and Airspace Protection Policies of the SFO ALUCP

cc:             Audrey Park, SFO  
                  Chris DiPrima, SFO

**Responses to Comments from SFO**

- A-SFO-1        The commenter expresses appreciation to review and comment on the Draft EIR and summarizes the primary physical characteristics of the proposed Project. These comments are acknowledged.
- A-SFO-2        The commenter notes that the proposed Project site is within Airport Influence Areas (AIAs) Area A – Real Estate Disclosure Area, and Area B – Policy Project Referral Area.
- The comment is noted. AIA B is a smaller subarea of AIA A. The Draft EIR accurately described that the Project site is located within the AIA B, but did not explicitly note that the Project site is also located within AIA A. For clarification, please refer to Chapter 4, *Revisions to the Draft EIR*, of this Response to Comments document for acknowledgment that the Project site is also located within AIA Area A.
- A-SFO-3        The commenter notes that the proposed Project is located outside the 65 decibel Community Noise Equivalent Level (CNEL) contour and all safety compatibility zones, and therefore, would not appear to be inconsistent with the Noise and Safety Compatibility Policies adopted in the SFO ALUCP.
- The comment is consistent with the Draft EIR (see Section 4.8 *Hazards and Hazardous Materials*, page 4.8-6, first paragraph, last sentence, and page 4.8-23, second full paragraph, third sentence; Section 4.10, *Land Use and Planning*, page 4.10-12, second paragraph, second sentence; and Section 4.11, *Noise and Vibration*, page 4.11-21, fourth paragraph, fourth sentence).
- A-SFO-4        The commenter discusses that the proposed buildings and parking structures would be lower than the applicable elevations of the lowest critical aeronautical surfaces. The commenter states that the proposed Project would not appear to be inconsistent with Airspace Protection Policy AP-3 of the SFO ALUCP and adds that it would be subject to the issuance of a Determination of No Hazard from the FAA.
- The comment is consistent with the Draft EIR (see Section 4.8 *Hazards and Hazardous Materials*, page 4.8-6, third paragraph, and page 4.8-23, third and fourth full paragraphs).
- A-SFO-5        The commenter indicates that SFO’s evaluation that the proposed Project would not appear to be inconsistent with Airspace Protection Policy AP-3, does not waive the requirement to undergo FAA airspace review as described in Title 14, Part 77 of the Code of Federal Regulations for both permanent structures and any equipment taller than the permanent structures required to construct those structures.
- This comment is noted.

A-SFO-6 The commenter indicates that the Airport is concerned that the proposed landscaping and trees could attract wildlife, including birds; and that birds represent a significant safety hazard to aircraft that are taking off or landing at SFO.

Proposed landscaping would include herbaceous plants, shrubs, and trees, and segments of “living” shoreline will be installed where feasible to protect the site from tidal flooding while maintaining some natural shoreline habitat. Narrow strips of tidal marsh along Easton Creek (which bisects the site) and muted tidal marsh at the southern end of the site would be enhanced with native plantings. As a result of the increased landscaping, the Project would enhance ecological conditions for wildlife to some extent. Landscaping vegetation would provide more extensive and more suitable nesting, foraging, and roosting habitat for songbirds than is currently supported by the site; however, bird air strike hazards would not increase as a result of the project, for the following reasons:

- Proposed new trees would not provide roosting/nesting habitat until they reach maturity, in approximately 20 years. However, the location of the trees in proximity to proposed buildings and a network of pedestrian pathways (including the Bay Trail) and gathering spaces would make these trees unattractive to nesting raptors. Large, tree-dwelling raptors such as red-tailed hawks may use the trees as occasional perches, however, this use would not result in an increased number of this already abundant raptor in the vicinity of SFO.
- Vegetation planting would be limited to narrow strips and small patches of vegetation along the two existing wetland areas, along trails and sidewalks, and interspersed among buildings and other developed areas. The Project does not propose planting extensive stands of new vegetation. As a result, the number of individual birds that would use the Project site following project completion would be lower than at nearby areas providing more extensive vegetation, such as Robert E. Woolley State Park or Coyote Point just to the east of the Project site.
- Small songbirds would be attracted to the Project’s landscaping. These include resident species such as Anna’s hummingbird (*Calypte anna*), black phoebe (*Sayornis nigricans*), California scrub-jay (*Aphelocoma californica*), chestnut-backed chickadee (*Poecile rufescens*), bushtit (*Psaltiriparus minimus*), and Bewick’s wren (*Thryomanes bewickii*), as well as migrant and wintering birds such as rufous hummingbird (*Selasphorus rufus*), Pacific-slope flycatcher (*Empidonax difficilis*), warbling vireo (*Vireo gilvus*), ruby-crowned kinglet (*Regulus satrapa*), golden-crowned sparrow (*Zonotrichia atricapilla*), and yellow-rumped warbler (*Setophaga coronata*). The bird species most hazardous to aircraft, and most of the bird species most frequently involved in bird collisions with aircraft, are large birds.<sup>1</sup> Three smaller bird species, including rock pigeon (*Columba livia*), mourning dove (*Zenaida macroura*), and European starling (*Sturnus vulgaris*), are among the 10 species most frequently involved in aircraft collisions, but the Project is

<sup>1</sup> [https://www.aphis.usda.gov/aphis/ourfocus/wildlifedamage/programs/nwrc/sa\\_spotlight/calculating+strike+risks+for+different+bird+species](https://www.aphis.usda.gov/aphis/ourfocus/wildlifedamage/programs/nwrc/sa_spotlight/calculating+strike+risks+for+different+bird+species)

not expected to result in a substantial increase in any of these three species. As indicated by bird observations at the nearby Burlingame Shorebird Sanctuary and Bayside Park reported in eBird (ebird.org; a public, online database), smaller birds that occur in large flocks such as starlings and red-winged blackbirds are already common in the Project area.

- Large waterbirds, such as ducks, geese, and gulls, are often involved in damaging aircraft collisions, but the Project would not enhance conditions for such birds. Landscaping along the edges of Easton Creek and the southern wetland on the project site may enhance habitat quality for small terrestrial songbirds but would not increase the abundance of waterbirds on or near the Project site. Further, the Project would not enhance the immediate bay shoreline. Nearby bird observations reported in eBird and historical strike data from SFO reported in the Federal Aviation Administration (FAA) Wildlife Strike Database indicate that birds commonly struck at SFO (such as gulls, ducks, geese, sandpipers, pelicans, and herons) occur regularly and consistently in the Project area. Although these species currently forage on the bay shoreline and in offshore waters adjacent to the Project site, the Project would not alter these habitats nor result in any increase in the abundance of such birds. In addition, the Project landscaping would not include large, park-like expanses of turf, which can attract geese.
- The project would not increase the number of individual birds in the vicinity of SFO. Resident birds that would benefit from the Project's landscaping are already present in the Project vicinity, generally dispersing short distances from their natal areas to seek out new habitat for breeding and foraging. As such birds disperse to the Project site, they may linger there longer or in somewhat greater numbers, and they may decide to reside and breed at the Project site due to the habitat enhancement resulting from project landscaping. However, these birds are already present in and moving around the Burlingame Bayshore area.

Although the proposed Project would result in localized increases in songbird use of the Project site, the Project would not result in such a substantial increase in bird abundance, an increase in large bird or waterbird abundance, or an increase in bird activity in the vicinity of SFO as to increase bird air strike hazard risk.

A-SFO-7

The commenter cites SFO ALUCP Airspace Protection Policy AP-4, and indicates that the Draft EIR states lighting would be designed to prevent light spillage off-site. The commenter indicates that special consideration should be given to potential sources of glare along SFO's runways and approach paths.

As discussed in Impact BIO-3 in Section 4.3, *Biological Resources*, the Project would include a number of building architectural features to reduce the potential for glare from proposed building exterior surfaces, and thereby reduce the potential for bird strikes. This includes, but not limited to, use of glazing of 15 percent reflectivity or lower. With respect to night lighting, as discussed in Impact AES-3 in Section 4.1, *Aesthetics*, lighting would be designed to meet the requirements of Burlingame Municipal Code 18.16.030 to prevent light spillage

off-site. Proposed design features and compliance with the Burlingame Municipal Code would serve to ensure the Project would not create new sources of substantial light and glare, including to SFO runway and approach paths.

Moreover, as a condition of City approval, all Project exterior lighting, except roadway and select site lighting needed for public safety, would be required to be controlled with an astronomic timeclock to reduce brightness levels or turn off select lights at either 10 pm (facade lighting) or 12 midnight (non-essential site lighting). Furthermore, parking garage lights shall operate with occupancy sensors to dim lights to 50 percent level during periods of inactivity, including rooftop parking areas. In addition, all lights in the parking garage for vehicular circulation and parking areas shall be full-cutoff fixtures with no light emitted above horizontal. Parking garage light fixtures shall be located/designed to prevent light spillage beyond the garage footprint, and include glare shield accessories to mitigate glare from light sources.

The project has been submitted to the FAA for review of all above-grade structures, including review of all exterior materials. The project received a “determination of no hazard” response from the FAA, which demonstrates that the project complies with the air space navigational requirements. The Project has also been in discussion with the SFO ALUCP, who defers to the FAA for compliance with air space requirements, and the project complies.

A-SFO-8      The commenter recommends a minor revision to the Draft EIR’s discussion of the proposed Project’s compliance with federal airspace regulations in Impact HAZ-3.

The comment is noted. Please refer to Chapter 4, *Revisions to the Draft EIR*, of this Response to Comments document for the requested revision to Impact HAZ-3 to state that SFO comment on the Project’s compliance rather than made a determination.

A-SFO-9      The commenter expresses appreciation for consideration of the comments in the comment letter. The comment is acknowledged.

Please note that this comment letter included an attachment that contained excerpts from the *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport*. This attachment is included in Appendix SFO in this Response to Comments document.

### 3.3.2 Draft EIR Comment Letters – Organizations



**From:** [Marjan Kris Abubo](#)  
**To:** [CD/PLG-Catherine Keylon: kbeggs@goodcityco.com](#)  
**Cc:** [Michael Lozeau](#); [Lina Savage](#)  
**Subject:** Re: Access to CalEEMod Output Files  
**Date:** Friday, October 6, 2023 11:54:00 AM

You don't often get email from marjan@lozeaudrury.com. [Learn why this is important](#)

Good morning and Happy Friday Kelly and Catherine,

I called earlier to inquire about the Peninsula Crossing Project (1200 Bayshore Highway, Burlingame) and wanted to follow-up via email. I am reviewing the Project's DEIR and associated documents including the appendices. However, when looking at the Air Quality and GHG Appendix, we noticed that the actual **CalEEMod and AERMOD output files** were not included in the Appendix.

Perhaps this is an oversight since I'd been dividing the combined files from the website, but I wanted to see if there was a way to obtain the separate documents containing that information?

Please let me know if it is contained in the documents on the City's website or if there is an appropriate contact person to reach out to. Thank you!

My best,  
Marjan R. Abubo  
Lozeau | Drury LLP  
1939 Harrison St., Suite 150  
Oakland, CA 94612  
Office: 510.836.4200  
Direct: 510.607.8238  
[marjan@lozeaudrury.com](mailto:marjan@lozeaudrury.com)

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***Responses to Comments from [Lozeau Drury]***

O-LD1-1      The commenter requests that the City provide the CalEEMod and AERMOD output files that supported the technical analysis in the Air Quality and Greenhouse Gas Emissions sections of the Draft EIR.

The City provided the requested files to the commenter on October 17, 2023.

**From:** [Marjan Kris Abubo](#)  
**To:** [CD/PLG-Catherine Keylon](#)  
**Cc:** [kbeggs@goodcityco.com](#); [Michael Lozeau](#); [Lina Savage](#)  
**Subject:** Re: Access to CalEEMod Output Files  
**Date:** Wednesday, October 18, 2023 12:50:43 PM

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Hi all, thanks for getting back to us with these documents. After further review, we noticed that the DEIR mentions the preparation of three Phase I ESAs (DEIR, p. 4.8-1.) However, we cannot locate the Phase I -- neither on the City website and the appendices link is broken and inaccessible. May you please assist us in obtaining these documents as well?

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My best,  
Marjan R. Abubo  
Lozeau | Drury LLP  
1939 Harrison St., Suite 150  
Oakland, CA 94612  
Office: 510.836.4200  
Direct: 510.607.8238  
[marjan@lozeaudrury.com](mailto:marjan@lozeaudrury.com)

On Tue, Oct 17, 2023 at 12:19 PM CD/PLG-Catherine Keylon <[ckeylon@burlingame.org](mailto:ckeylon@burlingame.org)> wrote:

Hi-

Please find attached the files requested.

Thank you,

*Catherine Keylon*

*Senior Planner*

*City of Burlingame*

*Community Development Department – Planning Division*

*Tel. 650-558-7252 | [ckeylon@burlingame.org](mailto:ckeylon@burlingame.org)*

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**From:** Marjan Kris Abubo <[marjan@lozeaudrury.com](mailto:marjan@lozeaudrury.com)>  
**Sent:** Friday, October 6, 2023 11:54 AM  
**To:** CD/PLG-Catherine Keylon <[ckeylon@burlingame.org](mailto:ckeylon@burlingame.org)>; [kbeggs@goodcityco.com](mailto:kbeggs@goodcityco.com)  
**Cc:** Michael Lozeau <[michael@lozeaudrury.com](mailto:michael@lozeaudrury.com)>; Lina Savage <[lina@swape.com](mailto:lina@swape.com)>  
**Subject:** Re: Access to CalEEMod Output Files

***Responses to Comments from [Lozeau Drury]***

O-LD2-1      The commenter requests that the City provide copies of the three Phase I Environmental Site Assessments that supported the analysis in the Hazards and Hazardous Materials section of the Draft EIR.

The City provided the requested files to the commenter on October 24, 2023. It should be noted that the City also elected to extend the public review from November 3, 2023 to November 9, 2023 to provide for extra time for consideration of the documents that were provided.

### 3.3.3 Draft EIR Comment Letters – Individuals

**From:** [ANDY AU](#)  
**To:** [CD/PLG-Catherine Keylon](#)  
**Subject:** Re: 1200-1340 Bayshore Highway, Burlingame - EIR publication  
**Date:** Wednesday, September 20, 2023 11:49:38 AM

---

Thank you Ms Keylon for your email regarding the draft EIR on this project.

I have a question if you may be able to help me. I do not see any analysis on this project's impact on the traffic on the Broadway overpass and especially on the traffic impact on the Caltrans RR crossing on Broadway. There are already back-ups especially afternoons and I do not see any analysis on how much the project will further increase congestion at these areas.

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Thank you

Andrew Au

On 9/19/2023 3:44 PM, CD/PLG-Catherine Keylon wrote:

Dear Interested Party,

This email is being sent to you because you have expressed interest in the project at 1200-1340 Bayshore Highway. A Notice of Availability (NOA) of a Draft Environmental Impact Report (DEIR) has been issued for this project. Please see the attached NOA and visit the project page to access the DEIR: [1200-1340 Bayshore Highway Project Page](#).

Thank you,

***Catherine Keylon***

***Senior Planner***

***City of Burlingame***

***Community Development Department – Planning Division***

***Tel. 650-558-7252 I [ckeylon@burlingame.org](mailto:ckeylon@burlingame.org)***

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***Responses to Comments from Andy Au***

I-Au1-1        The commenter indicates that the Broadway overpass and on the Caltrain railroad crossing on Broadway are already backed-up, especially in the afternoons, and requested analysis of how much the Project will further increase congestion at these locations.

The commenter is referred to **Master Response 2: Standards for Transportation Analysis under CEQA** in this Response to Comments Document for a discussion of standards used for assessing transportation impacts under CEQA, and traffic analysis that has been conducted for the Project separate from the CEQA process.

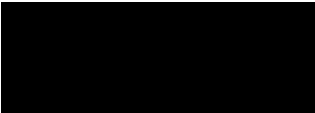
To:  
Burlingame Planning Commission

My name is Andrew Au, a Burlingame resident since 1989. I wish to comment on the proposed project at 1200-1340 Bayshore Highway. There are several major reasons this project need to be rejected as proposed.

- 1. The size is way too big for the 12 acres of waterfront land. Proposed is 1.4 Million sf and over 210 ft tall. Compared this to the Face Book project that is 750,000 sf on 18 acres of land, which is well planned and harmonious to a waterfront location. This project should be sized similar to the Face Book project - thus should be at most 750,000 sf and no taller than nearby waterfront buildings.
- 2. The traffic on Broadway and Caltrans RR Tracks and Hwy101 is already congested, especially in the afternoons. This proposed project would severely add to the congestion. There is no traffic study on the impact of this project along Broadway. The timing of this project should be tied to the eventual completion of the Broadway overpass.
- 3. There are several other large biotech projects nearby that are now under construction or planned. There needs a traffic study on the impact on Broadway/Caltran RR Tracks/Hwy101 from this proposed project and should also include the other nearby biotech projects. This further justifies that the timing of this project should be tied to the eventual completion of the Broadway overpass.

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Thank you,  
Andrew Au





## Responses to Comments from Andy Au

I-Au2-1 The commenter indicates the size of the proposed Project is too big for the site it is located on, and should be at most 750,000 square feet in size and no taller than nearby waterfront buildings.

The commenter is referred to **Master Response 3: Project Height and Massing** in this Response to Comments Document for a discussion of City general plan and zoning land use controls applicable to the Project site and proposed Project, including related to height and massing.

I-Au2-2 The commenter indicates that the traffic Broadway and Caltrain railroad tracks/U.S. 101 is already congested, especially in the afternoons, and that the proposed Project would severely add to the congestion. The commenter states that there is no traffic study on the impact of this Project along Broadway.

The commenter is referred to **Master Response 2: Standards for Transportation Analysis under CEQA** in this Response to Comments Document for a discussion of standards used for assessing transportation impacts under CEQA, and traffic analysis that has been conducted for the Project separate from the CEQA process. Non-CEQA traffic analysis has been prepared by the applicant and evaluated by the City and will be available for consideration with project approval hearing materials.

I-Au2-3 The commenter indicates that the timing of the proposed Project should be tied to the eventual completion of Broadway overpass.

The commenter refers to the planned Burlingame Broadway Grade Separation Project, which will be implemented by Caltrain in cooperation with the City of Burlingame. The grade separation project will improve traffic operations by reducing queuing times, consequently improving traffic flow along adjacent streets and intersections at Broadway, California Drive, Carolan Avenue, and Rollins Road. The project will also improve safety and circulation for pedestrians, bicyclists, and vehicles by eliminating conflicts with trains.

The grade separation project is currently in the design process, and construction of the grade separation project is planned to occur between 2025 and 2028<sup>2</sup>. As discussed in Chapter 3, *Project Description*, full buildout of the proposed Project would require approximately 43 months. Assuming the Project applicant begins construction as early as Summer 2024, buildout of the Project would not be anticipated to occur at least until early 2028, if not later.

The City cannot impose a requirement on the Project to coincide with the completion of the grade separation project. However, since construction of both the proposed Project and the grade separation project would be largely

<sup>2</sup> <https://www.caltrain.com/projects/burlingame-broadway-grade-separation-project>

concurrent, this would minimize the duration that grade separation of Broadway would not be operational to serve Project traffic.

I-Au2-4      The commenter indicates there are other large biotech projects nearby that are now under construction or planned, and consequently, there needs to be a traffic study of the Project along Broadway.

The commenter is referred to **Master Response 2: Standards for Transportation Analysis under CEQA** in this Response to Comments Document.

I-Au2-5      The commenter reiterates that the timing of the proposed Project should be tied to the completion of the Burlingame Broadway Grade Separation Project.

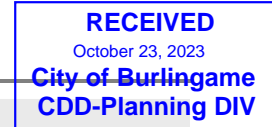
The commenter is referred to response to Comment I-Au2-3, above.

# Comment Letter I-Evans

Item 7a

COMMUNICATION RECEIVED  
AFTER PREPARATION  
OF STAFF REPORT

**From:** [Gordon Evans](#)  
**To:** [CD/PLG-Catherine Keylon](#)  
**Subject:** 1200-1340 Bayshore Highway  
**Date:** Sunday, October 22, 2023 2:06:14 PM



You don't often get email from [REDACTED] [Learn why this is important](#)

Hi Catherine,

Thanks for the EIR for 1200-1340 Bayshore Highway. It looks like an amazing project and I am supportive overall. However, it's not clear in the materials why the buildings need to be so tall. It's great that the applicants have filed for the necessary permits but 210' 11-story buildings significantly exceed our BFC code of 65'. It's not clear that buildings that tall will adhere to the guidance that "design shall fit the site" although that also seems a matter of opinion. Can Burlingame help them consider smaller buildings as part of the redevelopment effort? Thanks for considering my input.

Gordon Evans

[REDACTED]

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### ***Responses to Comments from Gordon Evans***

I-Evans-1      The commenter indicates it is not clear why the proposed Project buildings need to be so tall; and that the proposed 210-foot 11-story buildings would significantly exceed the City’s BFC code of 65 feet. The commenter further indicates that it is not clear that the buildings that tall would adhere to the guidance that “design shall fit the site.”

The commenter is referred to **Master Response 3: Project Height and Massing** in this Response to Comments Document for a discussion of City general plan and zoning land use controls applicable to the Project site and proposed Project, including related to height and massing.

# Comment Letter I-Gomery1

**From:** J G  
**To:** GRP-Council; CD/PLG-Catherine Keylon; GRP-Planning Commissioners  
**Subject:** 1200-1340 Burlingame Highway proposed development  
**Date:** Saturday, September 23, 2023 10:40:03 AM

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Council members and Planning Commissioners and Planning Staff,  
As a resident of Burlingame for over 30 years I have watched it grow and change.  
But enough already.

The 1200-1340 Burlingame Highway proposed development is way too big for the City of Burlingame.

There are already plenty of vacant office building spaces on Rollins Road by Kincaids and environs.

Another office building is being constructed now in that same area. All I see are leasing signs in all the existing buildings.

This is not the time or place for a project of this scope, size and magnitude. I do not care how much money it brings to the City coffers.

In addition traffic in this area is already at its peak. I don't know how the Broadway interchange and the area can handle the amount of vehicles that will be generated by this project. How will folks get in and out of Burlingame?

The one million square footage proposed for this project is massive. We do not need any more development of this size on the Bayfront.

Please reconsider this project proposal. It is way too massive for our quaint, small town of Burlingame.

Thank you  
Jane G...

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### **Responses to Comments from Jane Gomery**

I-Gomery1-1 The commenter makes a comment that the proposed Project development is too big for the City of Burlingame.

The commenter is referred to **Master Response 3: Project Height and Massing** in this Response to Comments Document for a discussion of City general plan and zoning land use controls applicable to the Project site and proposed Project, including related to height and massing.

I-Gomery1-2 The commenter indicates that there are already vacant office building spaces on Rollins Road by Kincaids and environs.

This comment does not address the adequacy of the Draft EIR; consequently, as explained in **Master Response 1: Non-CEQA Comments**, no response is required. The comment has been noted and will be forwarded to decision-makers.

However, please also note that, as discussed in the Draft EIR, *Project Description*, Section 3.2, *Project Objectives*, the underlying purpose of the Project is to develop a major state-of-the-art life science and/or office development, with supporting amenities at a prominent, signature waterfront location proximate to major transportation corridors and high-quality transit such as BART and Caltrain.

I-Gomery1-3 The commenter indicates another office building is being constructed now in the same area, and there are leasing signs in all of the existing buildings.

Please see response to Comment I-Gomery1-2, above.

I-Gomery1-4 The commenter asserts that this is not the time or place for a project of this scope, size and magnitude, regardless of how much money it brings the City.

The commenter expresses opinions about the proposed Project. This comment does not address the adequacy of the Draft EIR; consequently, as explained in **Master Response 1: Non-CEQA Comments**, no response is required. However, the comment has been noted and will be forwarded to decision-makers.

I-Gomery1-5 The commenter indicates traffic in the area is at its peak and expresses concern about the effect of Project-generated traffic at the Broadway interchange.

The commenter is referred to **Master Response 2: Standards for Transportation Analysis under CEQA** in this Response to Comments Document for a discussion of standards used for assessing transportation impacts under CEQA, and traffic analysis that has been conducted for the Project separate from the CEQA process.

I-Gomery1-6 The commenter indicates that the proposed project is massive in size, and that development of this size is not needed on the Bayfront.

The commenter is referred to **Master Response 3: Project Height and Massing** in this Response to Comments Document for a discussion of City general plan and zoning land use controls applicable to the Project site and proposed Project, including related to height and massing.

I-Gomery1-7 The commenter requests reconsideration of the proposed project, and indicates the proposed Project is too massive for Burlingame.

As explained in **Master Response 1: Non-CEQA Comments**, no response is required for this opinion. However, the comment has been noted and will be forwarded to decision-makers.

# Comment Letter I-Gomery2

**RECEIVED**  
October 25, 2023  
**City of Burlingame**  
**CDD-Planning DIV**

**From:** [Jane](#)  
**To:** [kbeggs@goodcityco.com](mailto:kbeggs@goodcityco.com)  
**Cc:** [CD/PLG-Catherine Keylon](#)  
**Subject:** Fw: 1200-1340 Bayshore Highway, Burlingame - EIR publication - comment period extended  
**Date:** Wednesday, October 25, 2023 9:39:35 AM  
**Attachments:** [1300 Bayshore NOA\\_FINAL.pdf](#)

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Hi Kelly

I am commenting on the proposed project EIR for 1200-1340 Bayshore Highway, Burlingame.

As a resident of Burlingame for over 30 years I have watched it grow and change. But enough already.

The 1200-1340 Burlingame Highway proposed development is way too big for the City of Burlingame. This is a huge complex.  
No more 10-11 story buildings in Burlingame. There are already plenty of vacant office building spaces on Bayshore Highway by Kincaids, the Facebook complex, and environs.  
Another office building is being constructed now in that same area. All I see are leasing signs in all the existing buildings.

This is not the time or place for a project of this scope, size and magnitude. I do not care how much money it brings to the City coffers.

In addition traffic in this area is already at its peak. It is a mess just trying to get in and out of the City now. I see how the Broadway interchange and the area roads can handle the amount of vehicles that will be generated by this project. How will folks get in and out of Burlingame needless to say the proposed project? I know shuttles to mass transit will be encouraged but even with that there will be way more traffic with this amount of development.

What about the environmental impacts of such structures. Impacts to the Bay, air quality, and existing wildlife. We have enough empty development along the Bay now.

The one and a half million square footage proposed for this project is massive. We do not need any more development of this size on the Bayfront.

Please reconsider this project proposal. It is way too big for our quaint, small town of Burlingame.  
Thank you

Jane Gomery  


----- Forwarded Message -----

**From:** CD/PLG-Catherine Keylon <ckeylon@burlingame.org>  
**Sent:** Tuesday, October 24, 2023 at 05:02:17 PM PDT



### **Responses to Comments from Jane Gomery**

I-Gomery2-1 The commenter indicates the proposed Project is too big for the city of Burlingame.

The commenter is referred to **Master Response 3: Project Height and Massing** in this Response to Comments Document for a discussion of City general plan and zoning land use controls applicable to the Project site and proposed Project, including related to height and massing.

I-Gomery2-2 The commenter requests no more 10 to 11-story buildings in Burlingame, and that there are already vacant office building spaces on Bayshore Highway by Kincaids, Facebook complex and environs.

Please see response to Comment I-Gomery1-2.

I-Gomery2-3 The commenter indicates another office building is being constructed now in the same area, and there are leasing signs in all of the existing buildings.

Please see response to Comment I-Gomery1-2.

I-Gomery2-4 The commenter asserts that this is not the time or place for a project of this scope, size and magnitude, regardless of how much money it brings the City.

The commenter expresses opinions about the proposed Project. This comment does not address the adequacy of the Draft EIR; consequently, as explained in **Master Response 1: Non-CEQA Comments**, no response is required. However, the comment has been noted and will be forwarded to decision-makers.

I-Gomery2-5 The commenter indicates traffic in the area is at its peak and expresses concern about the effect of Project-generated traffic at the Broadway interchange, even with the use of proposed shuttles and transit.

The commenter is referred to **Master Response 2: Standards for Transportation Analysis under CEQA** in this Response to Comments Document for a discussion of standards used for assessing transportation impacts under CEQA, and traffic analysis that has been conducted for the Project separate from the CEQA process.

I-Gomery2-6 The commenter inquires about the environmental impacts of proposed structures, including to the Bay, air quality, and wildlife.

Due to lack of specificity in the comment, no direct response is possible. However, please also see Draft EIR Section 4.2, *Air Quality*, which addresses the Project's contribution to criteria air pollutants, health risk impacts, and consistency with the Clean Air Plan; Section 4.3, *Biological Resources*, which addresses the Project impact to special status plant, fish and wildlife species,

natural communities, and wetlands, and potential bird strikes from the proposed development; Section 4.9, *Hydrology and Water Quality*, which addresses the potential for the Project to violate water quality standards, degrade surface or groundwater quality; result in erosion and siltation, contribute to flooding, or conflict with implementation of water quality and sustainable groundwater management plans.

The commenter also indicates that no more development of this size is needed on the Bayfront. This comment does not address the adequacy of the Draft EIR; consequently, as explained in **Master Response 1: Non-CEQA Comments**, no response is required. However, the comment has been noted and will be forwarded to decision-makers.

I-Gomery2-7 The commenter indicates that the proposed project is massive in size, and that development of this size is not needed on the Bayfront.

The commenter is referred to **Master Response 3: Project Height and Massing** in this Response to Comments Document for a discussion of City general plan and zoning land use controls applicable to the Project site and proposed Project, including related to height and massing.

I-Gomery2-8 The commenter requests reconsideration of the proposed Project, and indicates the proposed Project is too massive for Burlingame.

The commenter is referred to **Master Response 3: Project Height and Massing** in this Response to Comments Document for a discussion of City general plan and zoning land use controls applicable to the Project site and proposed Project, including related to height and massing.

# Comment Letter I-Leigh

Item # 7a

**From:** [Adrienne Leigh](#)  
**To:** [CD/PLG-Catherine Keylon](#)  
**Subject:** 1200-1340 Old Bayshore Highway EIR comments  
**Date:** Thursday, October 19, 2023 3:23:14 PM

COMMUNICATION RECEIVED  
AFTER PREPARATION  
OF STAFF REPORT

RECEIVED  
October 19, 2023  
City of Burlingame  
CDD-Planning DIV

Here are my comments for what items still need to be included in the EIR report.  
Thank you for the opportunity to submit them.

A. Easton Creek area and outflow:	
1. Habitat for herons and egrets to be improved	I 1
2. Creek to be cleaned of all non native debris before, during and after project per environmentalist on site.	I 2
3. Within a30' of creek edge, all vegetation to be native. No artificial or manmade structures to remain	I 3
4. Public viewing area on both N and S side of creek to be established.	I 4
B. Walkways:	
All walkways to be. Minimum of 10 feet wide.	I 5
1: All walkways along Old Bayshore and Boadway: to have a minimum 5' of parkways area with native Native, bird friendly trees planted every 20 feet.	I 6
2. Pedestrian Scale lighting along walkway with a Kelvin no cooler than 3000K and no taller than 16'	I 7
3. Lights to be Dark Sky compliant	I 8
C. Pedestrian Travel	
1. Speed limit along Old Bayshore and Broadway to be 25 mph	I 9
2. Mid block crossings with flashing lights to be maintained	I 10
3. Lighting over pedestrian crosswalks and intersections to be brighter than mid block areas.	I 11
D. Bicycle lane	
NB along El Bayshore to be repainted with a 6' bike lane and 2' buffer zone.	I 12
Motor vehicle lanes to be no wider than 11"	I 13
Green painted bike lane to be put in front of all driveway/street entrances for bike lane.	I 14
Bike lane green paint to extend from Rosalie O Mahoney bridge to beginning of bike lane at Broadway/Old Bayshore	I 15
E. LIGHTING:	
All lighting to be DARK SKY Compliant	I 16
No lighting will be installed to shine upwards into the sky.	I 17
Lighting on Easton Creek bridge to be low and soft color for pedestrians	I 18
F. Park / playground areas	
Tables for playing chess/ eating lunch, reading to be included near play zone	I 19
Wooden benches along pathway facing water	
Water fountain	
Garbage /recyclingcans	
Doggie Doo doo garbage can	
G. Buildings/ Zoning	
Absolutely need childcare added for infant through 5 years OLD. Zoning must change to include childcare facility	I 20
Lunch facilities and outdoor eating areas (wind screen provided) must be included in the plans	I 21
Elegant Rooftop Restaurant with views of Bay	I 22
H. Birds:	
Protection for local and Migrating birds must be primary in the focus. Birds cannot be flying into these buildings and dying. Please confirm ALL codes are exceeded for bird safety.	I 23

### ***Responses to Comments from Adrienne Leigh***

I-Leigh-1      The commenter indicates that for the Easton Creek area and outflow, habitat for herons and egrets should be improved.

The proposed Project does not specifically propose to improve habitat for herons in Easton Creek. Please note that as expressed in the SFO comment letter on the Draft EIR (see Comment Letter A-SFO), SFO discourages the Project to include features that would attract birds, which can pose a safety hazard to aircraft that are taking off or landing at SFO. Please also refer to response to Comment A-SFO-6 additional detail on proposed landscaping to be planted at the Project site that would attract small birds (e.g., songbirds) as opposed to large waterbird species that would be most hazardous to aircraft.

I-Leigh-2      The commenter indicates Easton Creek should be cleaned of all non-native debris, before, during and after project.

The Project proposes to remove existing concrete and asphalt debris, old fence posts, and old retaining walls near the mouth of Easton Creek. During construction, any construction-related debris and materials would be removed from sensitive habitat areas on an ongoing basis.

I-Leigh-3      The commenter requests that within 30-feet of Easton Creek edge, vegetation should be native, with no artificial or manmade structures to remain.

The proposed planting program surrounding the creek is comprised of all native species with a layered mix of woody shrubs, herbaceous perennials, and grasses. The plant palette and layout would be designed to support birds, insects, and small mammals. The Project does not propose to alter the existing Easton Creek channel, with the exception of the replacement of two existing outfalls on Easton Creek with proposed new outfalls, and proposed sea level rise improvements, which would include installation of a steel sheet pile sea wall on both sides of Easton Creek (outside the aquatic/jurisdictional habitat). The Project also includes a pedestrian/bicycle bridge over Easton Creek, however, the bridge would span the creek and creek banks, and no piers or columns placed within the creek or its lower banks.

I-Leigh-4      The commenter requests public viewing areas on the north and south sides of Easton Creek.

Public viewing areas are proposed to be located on both sides of the Creek. As shown on sheet ENT L-101 in the applicant's entitlement package, creek viewing areas are located on either side of the Creek around the midpoint of creek's alignment within the project site. The northern viewing area includes custom seating, and the southern viewing area includes terraced seating.

- I-Leigh-5      The commenter requests that all walkways be a minimum of 10-feet wide. The Bay Trail extension would consist of a minimum 20-foot-wide paved path. The primary interior paths within the Project site would be 10-feet wide, with break off paths between 6 – 8 feet in width.
- I-Leigh-6      The commenter requests that all walkways along Old Bayshore Highway have a minimum 5 feet of parkways area with native bird-friendly trees planted every 20 feet.
- Along Old Bayshore Highway the Project proposes a 4'-6" planting strip with a 6'-0" sidewalk but will be required to be slightly revised to a 5' planting strip (with the 6'-0" wide sidewalk) to reflect the recently approved Old Bayshore Highway streetscape concept master plan.
- I-Leigh-7      The commenter requests that pedestrian scale lighting be used with a Kelvin no cooler than 3000K and no taller than 16 feet.
- Pedestrian scale lighting would be used throughout the Bay Trail and Easton Creek, with Kelvin color temperature no cooler than 3000K. All pedestrian site lighting fixtures would be no taller than 16 feet with one exception at the proposed pedestrian plaza at the intersection of Old Bayshore Highway and Airport Boulevard, where there would be two lighting poles that would be 25 feet tall (same height as adjacent streetlights) in order to keep the plaza clear of lighting poles. These proposed poles would have all lights aimed towards the plaza, and away from the Bay Trail / waterfront.
- I-Leigh-8      The commenter requests that proposed lighting be Dark Sky compliant.
- Please see the discussion of Impact AES-3 on pages 4.1-28 to 4.1-29, Impact C-AES-3 on page 4.1-33, and Impact BIO-3 on pages 4.3-28 to 4.3.30 of the Draft EIR, which concluded that the Project's lighting impacts related to aesthetics, cumulative lighting impacts related to aesthetics, and lighting impacts related to biological resources, respectively, would be less than significant. Exterior lighting would be designed to meet the requirements of Burlingame Municipal Code Sections 18.16.030 and 25.31.100 to prevent light spillage off-site. Exterior light fixtures shall comply with lighting zone LZ-2, Moderate Ambient, as recommended by the International Dark-Sky Association (2011).
- In addition, the lighting is designed to avoid impacts on animal habitat areas. All site and roadway lighting shall be installed to direct light downwards to the walking/driving surface and not upwards into the sky. Select facade lighting fixtures are ground-mounted and aim upwards to the building surface. These facade lighting fixtures incorporate glare shields and strategic aiming to control spill light into the sky and incorporate timeclock control to turn off uplighting from 10pm until the next evening. Lighting on Easton Creek bridge would be mounted at low height (1'-6" above walking surface to top of light fixture) and is

2700K “warm white” color temperature. The specified light fixtures include louvers to minimize aperture brightness. The lighting design intent is to provide safe passage for pedestrians and cyclists, while minimizing spill light beyond the bridge boundary.

I-Leigh-9      The commenter requests that the speed limit on Old Bayshore Highway and Broadway be 25 miles per hour.

As described in Chapter 4.14, *Transportation*, implementation of the Project’s bicycle and pedestrian improvements would be consistent with policy goals of increasing bicycle and pedestrian safety. Additionally, the City will be reviewing existing speed limits along Old Bayshore Highway as part of the update to the Citywide Speed Surveys.

I-Leigh-10      The commenter requests that mid-block crossings with flashing lights be maintained.

As described in Chapter 3, *Project Description*, existing mid-block crosswalks across Old Bayshore Highway adjacent to the Site would be removed and one new crosswalk installed at a new signalized intersection located at the entrance to the north service road.

I-Leigh-11      The commenter requests that lighting over pedestrian crosswalks and intersections be brighter than mid-block areas.

Lighting proposed over intersections would be consistent with City and industry standards.

I-Leigh-12      The commenter requests that northbound on Old Bayshore Highway be painted with a 6-foot bike lane and a 2-foot buffer zone.

As discussed in the Draft EIR, Section 4.14 *Transportation*, the proposed Project would extend the striped bike lane across the full length of the Project site along Old Bayshore Highway, and provide a 7-foot Class II buffered bike lane consisting of a 2-foot buffer and 5-feet of travel space. This improvement is consistent with the City’s *Old Bayshore Highway Feasibility Study and Bicycle and Pedestrian Master Plan*, which propose Class II buffered bicycle lanes on Old Bayshore Highway.

I-Leigh-13      The commenter requests vehicle lanes be no wider than 11 feet.

The Project includes the construction of 3 driveways that would serve the Project’s garages and buildings. The northern driveway includes two 13-foot wide lanes, the central driveway includes three 11-foot-wide lanes and one 13-foot wide lane, and the southern driveway includes one 14-foot wide lane and one 16.6-foot wide lane. Burlingame Municipal Code Section 25.40.070(C)(2)

requires two 12-foot wide driveways one 18-foot wide driveway for parking areas with more than 30 parking spaces, and because the driveways are serving to provide as fire apparatus access roads a minimum width of 20 feet is required, and if adjacent to parking then 36 feet is required. Beyond installing a Class II buffered bike lane along the Project's Old Bayshore Highway frontage and reconfiguring the Old Bayshore Highway/US 101 intersection, the Project does not propose work within Old Bayshore Highway or Airport Boulevard.

I-Leigh-14

The commenter requests that green painted bike lanes be put in front of all driveways/street entrances for bike lanes.

The Project would install a Class II buffered bike lane along the Project's Old Bayshore Highway frontage. Per City standards, Class II bike lanes are marked with green paint and would provide dashed patterns at driveway entrances and intersections.

I-Leigh-15

The commenter requests that green painted bike lanes extend from Rosalie O Mahoney bridge to the beginning of bike lanes at Broadway/Old Bayshore Highway.

The Project is required to make frontage improvements along Old Bayshore Highway but would not be required to extend improvements to this geographic extent identified by the commenter. The *Old Bayshore Highway Feasibility Study* and *Bicycle and Pedestrian Master Plan* plans do not provide for this level of design detail for project connection areas.

I-Leigh-16

The commenter requests that all lighting be Dark Sky compliant.

Please see response to Comment I-Leigh-8.

I-Leigh-17

The commenter requests that no lighting will be installed to shine upwards into the sky.

Please see response to Comment I-Leigh-8.

I-Leigh-18

The commenter requests that lighting on Easton Creek to low and soft color for pedestrians.

Please see response to Comment I-Leigh-8.

I-Leigh-19

The commenter requests tables for playing chess, eating lunch, and reading to be included near the play zone; as well as wooden benches along pathways facing the water, water fountain, garbage/recycling cans and dog waste receptacle.

Wood benches would be provided along pathways facing water. In addition, there would be a water fountain and garbage and recycling cans. A water

fountain is proposed near the play zone, but not within the play zone, and there are no tables proposed in the play zone).

- I-Leigh-20      The commenter requests childcare added for infant through 5 years old, and that zoning must be changed to include a childcare facility.

No childcare facilities are proposed as part of the Project. The comment requesting the addition of a childcare facility does not raise issues regarding the adequacy, accuracy, or completeness of the Draft EIR and no response is required. However, the comment has been noted and will be forwarded to decision-makers.

- I-Leigh-21      The commenter requests lunch facilities and outdoor eating areas with wind screen be included in the plan.

The Project proposes several outdoor seating areas along the Bay Trail, and also along the paths between Old Bayshore Highway and the Bay Trail. In addition, there would be two public cafes/restaurants included in the Project design - in the Center Building and South Building. Both of these cafes/restaurants have outdoor seating areas wrapping around the restaurants. As explained on page 4.1-1 of the Draft EIR, analysis of wind is not required by CEQA, however, the Draft EIR Section 4.1, *Aesthetics* nevertheless included such an analysis for informational purposes on pages 4.1-33 to 4.1-37. That analysis did not indicate that there would be any uncomfortable or potentially hazardous winds at the locations of any of the Project's outdoor eating spaces. In addition, the Draft EIR identified Improvement Measure AES-4: Wind Reduction Features, which identified various wind reduction features, including vertical wind screens, that could be implemented to shield pedestrians from uncomfortable and potentially hazardous winds.

- I-Leigh-22      The commenter requests an elegant rooftop restaurant with views of the Bay.

No rooftop restaurant is proposed as part of the Project. As discussed in Chapter 3, *Project Description*, two café/restaurant spaces are proposed on the ground level in the South and Center Buildings. However, the comment has been noted and will be forwarded to decision-makers.

- I-Leigh-23      The commenter requests protection for local and migrating birds to prevent birds from flying into buildings.

Please see Section 4.3, *Biological Resources*, Impact BIO-3 which addresses the potential for proposed buildings to create a bird strike hazard. The Project would include a number of building architectural and landscaping features with respect to bird safe design to reduce the potential for bird strikes. Several key bird safe design criteria related to the exterior buildings surfaces include: use of glazing of 15 percent reflectivity or lower; use of opaque materials limiting any non-bird-friendly



glazing to no more than 10 percent within the bird collision zone (0 to 60 feet); and use of fritted dots patterns on glazing of a size/design consistent with the American Bird Conservancy (ABC) threat factor rating system.

Notable bird safe design criteria related to the landscaping include: use of minimal landscaping inside buildings near glass and in front of heavily glazed facades around the ground level building perimeters; and restricting landscaping on upper level-terraces and roof decks to low-growing or shrub species with minimal visibility through perimeter facades.

Please also refer to response to Comment A-SFO-6 additional detail on proposed landscaping to be planted at the Project site to reduce attracting the types of birds (e.g., large waterbirds) that would pose the greatest hazard to aircraft taking off or landing at SFO.

With respect to night lighting, the Project would be required to comply with Burlingame Municipal Code 18.16.030 to prevent light spillage beyond the Project site. In addition, as demonstrated by the Project's proposed photometric plan, the Project design would use higher light levels in the area adjacent to Old Bayshore Highway and decrease light levels closer to the Bay.

Incorporating these bird-safe design elements into the Project design would reduce the operational impacts to migrating birds to a less than significant level.

Comment Letter I-Quirk

From: [Constance Quirk](#)  
To: [CD/PLG-Catherine Keylon](#)  
Subject: 1200-1340 Bayshore Project  
Date: Friday, October 20, 2023 9:53:41 AM

Item #7a

COMMUNICATION RECEIVED  
AFTER PREPARATION  
OF STAFF REPORT

RECEIVED  
October 20, 2023  
City of Burlingame  
CDD-Planning DIV

You don't often get email from [REDACTED] [is important](#)

Good morning Catherine,

This is an enormous project that will impact our community. I would imagine that construction will go on for quite a few years.

I live in an area on the other side of the 101 highway and can attest to the fact that construction hours of operation can and do get ignored. Especially in the early morning hours. For example, the Facebook building that's going on right now has had construction start times well before 8am.

I have brought this to the attention of the building department and many times I am told that they have been given a waiver to start early or work later.

I would like you and all other city staff involved in these enormous projects to remember that we live very near these properties and we need you to hold the developers feet to the fire to adhere to the hours of operation. Many times I feel that our city staff does not represent us when the developer or builder is asking for all of these exemptions. Please remember to represent us when they want special treatment. We have put up with non stop pile driving noise and all else that is involved with projects of these proportions. All we're asking for is to adhere to the hours of operation.

Thank you,

[REDACTED]

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### **Responses to Comments from Constance Quirk**

I-Quirk-1 The commenter indicates the proposed Project is enormous and that construction will go on for quite a few years.

The Draft EIR Chapter 3, *Project Description*, Section 3.4, *Construction*, discusses the proposed Project construction schedule and phasing. Construction is expected to occur over a 43-month duration.

I-Quirk-2 The commenter indicates that construction hours of operation can and do get ignored.

As discussed in Draft Section 4.11, *Noise and Vibration*, the Project would be subject to the construction allowed in the City Municipal Code. Municipal Code Section 18.07.110 limits the hours of construction within the Bayfront Commercial zone (which includes the Project site) to between 7:00 a.m. and 7:00 p.m. on weekdays, 9:00 a.m. and 6:00 p.m. on Saturdays, and with no construction activity on Sundays and holidays, except in circumstances where continuing work beyond legal hours is necessary to building or site integrity or in cases where it is in the interest of public health and safety, and then only with written approval of the City Building Official. However, the City prohibits the use of chainsaws, jackhammers, pile-drivers, or pneumatic impact wrenches from 7:00 a.m. to 8:00 a.m. unless written approval is granted by the City Building Official pursuant to one of the exceptions described above. These construction hours would be enforced by the City for the proposed Project through the City Building Department.

The commenter asserts that Facebook development construction has had construction times well before 8:00 a.m. This comment does not address the adequacy of the Draft EIR; consequently, as explained in **Master Response 1: Non-CEQA Comments**, no response is required. However, the comment has been noted and will be forwarded to decision-makers.

I-Quirk-3 The commenter indicates that she has brought to the attention of the building department that construction has occurred outside of permitted hours and was told they had been given a waiver to start early or work later.

Comments on other construction projects do not address the adequacy of the Draft EIR; consequently, as explained in **Master Response 1: Non-CEQA Comments**, no response is required. However, the comment has been noted and will be forwarded to decision-makers.

I-Quirk-4 The commenter indicates the need for accountability for developers to adhere to hours of operation, and for representation of the public when considering developers requests for construction exemptions. As discussed in Draft EIR Section 4.11, *Noise and Vibration*, the Project would be subject to the construction allowed in the City Municipal Code.

The commenter indicates having needed to put up with pile driving noise and all else that is involved with projects of these proportions. Please note that described in Draft EIR Chapter 3, *Project Description*, there would be no pile driving. Rather to reduce potential noise and vibration effects associated with pile installation, piles would be installed using a drilled, cast-in-place method, such as auger-cast or torque down piles, or a vibratory hammer suspended from a crane for sheet piles comprising portions of the proposed sea wall.

# Comment Letter I-Rogers

Item #7a

COMMUNICATION RECEIVED  
AFTER PREPARATION  
OF STAFF REPORT

From: [suzanne rogers](#)  
To: [CD/PLG-Catherine Keylon](#)  
Subject: 1200-1340 Bayshore - Comment on EIR  
Date: Friday, October 20, 2023 8:06:01 AM

RECEIVED  
October 20, 2023  
City of Burlingame  
CDD-Planning DIV

Good morning. I have three comments about the proposed project:

1. There are only two models/drawings on the website. Both are showing the buildings from a Westward perspective. That is only relevant if you are a kayaker on the bay! For me and for my fellow Burlingame citizens the height and density of these proposed buildings will affect us visually and aesthetically from an Eastward facing direction. When I am at the Broadway, Burlingame intersection these buildings will loom in front of me. While driving on 101 or coming down from the hills of Burlingame these buildings will have a significant impact on the appearance of the Bayfront. I don't think any requests for public opinion are relevant if these are the only models that have been done.

1

2. The EIR says there will be no impact on aesthetics or transportation. I disagree. Aesthetically these buildings will be massive and unprecedented in height for this area. It will completely change the appearance of the Burlingame Bayfront. The Broadway intersection is terribly congested as is Millbrae Avenue. Adding 3400 parking spaces will have a huge impact on the area and there is nothing that is being done to mitigate that. I have no confidence at all that the planned train track project at Broadway will help at all.

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3. I have heard Council members tout the wonderful improvements to the Bayfront which will enhance our lives as citizens. I will never take advantage of that because of the congestion in that area. If I want bayfront access I go to San Mateo. That is not a reason to approve such a massive development.

6

In summary I object to the height and density of these buildings. I think there are aesthetic and congestion problems that are not being addressed. I do not think the current models give citizens a chance to really understand the impact of this project. Burlingame can do a better job of balancing development of the bayfront with the preservation of views of the sky and bay which will be significantly diminished in this area with the size of this project.

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Thank you for listening! Have a good day. Suzanne Rogers  
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**Responses to Comments from Suzanne Rogers**

I-Rogers-1      The commenter references two models/drawings of the proposed Project on the City's website, both shown from east of the development looking west. The commenter indicates views of the proposed development from the west of the development looking east, such as from Broadway, U.S. 101 and the Burlingame hills will be affected.

The commenter appears to be referring to two applicant renderings of the proposed development that are included on the City's webpage for the 1200-1240 Bayshore Highway project. Please note however, that the Draft EIR, Section 4.1, *Aesthetics*, includes photorealistic simulations of the proposed Project from several public vantage points, including from the Burlingame hills, U.S. 101 and the Bay Trail.

As discussed in the Draft EIR, Section 4.0, *Introduction to Environmental Analysis*, the CEQA Statute Section 21099(d) provides that projects that meet certain criteria (specifically, if the project is in a transit priority area, on an infill site, and is an employment center, as defined in the CEQA Statutes), then aesthetics impacts are not considered in determining if a project has the potential to result in significant environmental effects.

Nevertheless, since the public and decision-makers may be interested in information pertaining to the aesthetic effects of the proposed Project, and desire that such information be provided as part of the environmental review process, the Draft EIR provided detailed assessment of potential aesthetic impacts in Draft EIR Section 4.1. Draft EIR Impact AES-1 analyzes the Project's effect on scenic vista from these viewpoints, and Impact AES-2 assesses the Project's consistency with applicable zoning and regulations governing scenic quality; in both cases the Project impact is determined to be less than significant.

I-Rogers-2      The commenter asserts that the EIR finds that there is no impact on aesthetics and transportation.

As discussed above, pursuant to CEQA Statute Section 21099(d), aesthetics impacts are not considered in determining if the proposed Project has the potential to result in significant environmental effects. Nevertheless, the Draft EIR provided detailed assessment of potential aesthetic impacts, including effects on scenic vistas, scenic quality, and light and glare for informational purposes. As demonstrated in Section 4.1, *Aesthetics*, all Project and cumulative impacts in aesthetic topics were found to be less than significant.

With respect to transportation, Draft EIR Section 4.14, Transportation, contained a full analysis of all required transportation issues to be addressed, including conflicts with plans and policies addressing transportation, vehicles miles traveled (VMT), transportation hazards, and emergency access. As demonstrated

in Section 4.14, all Project and cumulative impacts in these transportation topics were found to be less than significant.

- I-Rogers-3      The commenter indicates that aesthetically, the Project buildings will be massive and unprecedented in height for the area it is located in, and completely change the appearance of the Burlingame bayfront.
- The commenter is referred to **Master Response 3: Project Height and Massing** in this Response to Comments Document for a discussion of City general plan and zoning land use controls applicable to the Project site and proposed Project, including related to height and massing.
- Please also see responses to Comments I-Rogers-2, above.
- I-Rogers-4      The commenter indicates the Broadway intersection is congested, as is Millbrae Avenue, and that adding 3,400 parking spaces will have a huge impact on the area, without any mitigation.
- The commenter is referred to **Master Response 2: Standards for Transportation Analysis under CEQA** in this Response to Comments Document for a discussion of standards used for assessing transportation impacts under CEQA, and traffic analysis that has been conducted for the Project separate from the CEQA process.
- I-Rogers-5      The commenter indicates no confidence that the planned train track project at Broadway will help.
- With respect to the Burlingame Broadway Grade Separation Project, please refer to response to Comment I-Au2-3.
- I-Rogers-7      The commenter indicates objection to the height and density of these buildings.
- The commenter is referred to **Master Response 3: Project Height and Massing** in this Response to Comments Document for a discussion of City general plan and zoning land use controls applicable to the Project site and proposed Project, including related to height and massing.
- I-Rogers-8      The commenter indicates there are aesthetic and congestion problems that are not being addressed.
- Please see response to Comments I-Rogers-2, above.
- I-Rogers-9      The commenter indicates the current models give citizens a chance to really understand the impact of this project.
- Please see response to Comments I-Rogers-1, above.

I-Rogers-10      The commenter indicates that the City can do a better job of balancing development of the bayfront with the preservation of views of the sky and bay which will be significantly diminished in this area with the size of the project.

With respect to the Project's aesthetic effects, please see response to Comment I-Rogers-2, above.



## Comment Letter I-Smith

**From:** [Don Smith](#)  
**To:** [CD/PLG-Catherine Keylon](#)  
**Subject:** 1200 -1350 Bayshore life science buildings  
**Date:** Thursday, October 19, 2023 2:28:54 PM

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<https://aka.ms/LearnAboutSenderIdentification> ]

Requests that improvements to the bay walk / bike path be required in the approval process  
Don

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### ***Responses to Comments from Don Smith***

I-Smith-1      The commenter requests that improvements to the bay walk / bike path be required in the approval process.

As discussed in the Draft EIR, Chapter 3 *Project Description*, the 1,475-foot segment of the Bay Trail that would be extended across the Project site is included as part of the proposed Project. In addition, staff responded directly to this commenter on October 19 with this information as well.

**From:** [S S](#)  
**To:** [CD/PLG-Catherine Keylon](#)  
**Subject:** EIR - 1.4 million campus  
**Date:** Thursday, November 9, 2023 9:31:59 PM

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In response to the public comment regarding the above-referenced EIR as a concerned citizen of Burlingame this development is a potential disaster. One must ask the city staff if you spend anytime at all in the community. If you drove around for a minimal period of time you would realize that the already increased level of construction vehicles and apartments has caused near-Manhattan level congestion. What's more, this development proposes a massive 1.4 million square foot office complex right off one of the most freight freeway entrances in the vicinity. Anyone who has children at the Burlingame High School can tell you that crossing Carolan at Broadway is currently a mess. How many accidents per month occur at this crossing? The city's proposal is to add thousands more vehicles to this exit/entry point? If you take your children to the fields at Bayside for practice or games anytime between 4 pm and 7:30 pm the traffic already almost unbearable. This was not the case ten years ago. Your new bike paths on California have already caused significant delays in condensing to one lane traffic when school begins and ends. Moreover, the city has approved a Top Golf which will draw even more visitors from outside the area.

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It can only be surmised that city planners do not live here. The infrastructure is not capable of supporting this level of density.

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Furthermore, the office market is anemic is will only get worse over the next two years.

I 11

Concerned citizen.  
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**Responses to Comments from SS**

- I-SS-1            The commenter opines that the proposed development is a potential disaster.
- This opinion does not address the adequacy of the Draft EIR; consequently, as explained in **Master Response 1: Non-CEQA Comments**, no response is required. However, the comment has been noted and will be forwarded to decision-makers.
- I-SS -2            The commenter inquires if the City staff spend any time in the community; and if they drove around would realize that the increased level of construction vehicles and apartments has caused near Manhattan-level congestion.
- These opinions do not address the adequacy of the Draft EIR; consequently, as explained in **Master Response 1: Non-CEQA Comments**, no response is required. However, the comment has been noted and will be forwarded to decision-makers.
- I-SS-3            The commenter asserts that the developer proposes a massive office complex right off one of the most fraught freeway entrances in the vicinity.
- This opinion does not address the adequacy of the Draft EIR; consequently, as explained in **Master Response 1: Non-CEQA Comments**, no response is required. However, the comment has been noted and will be forwarded to decision-makers. Please note also that the Project proposed improvements at the U.S. 101/Old Bayshore Highway intersection will be reviewed and approved by Caltrans.
- I-SS-4            The commenter indicates that crossing Carolan and Broadway is currently a mess.
- This opinion does not address the adequacy of the Draft EIR; consequently, as explained in **Master Response 1: Non-CEQA Comments**, no response is required. However, the comment has been noted and will be forwarded to decision-makers.
- I-SS-5            The commenter inquires how many accidents occur per month the crossing of Carolan and Broadway.
- In reviewing the Statewide Integrated Traffic Records System (SWITRS) Geographic Information System (GIS) Map from the Transportation Injury Mapping System (TIMS) over a 10-year period (2012-2022), there were seven reported collisions at this intersection.
- I-SS-6            The commenter inquiries if the City’s proposal is to add thousands more vehicles to this entry point.

As it relates to the proposed Project, the transportation impact analysis (TIS) included in Appendix TRANS in the Draft EIR estimated the Project trip generation. As presented in Section 3.3.1, the Project would generate 1,246 a.m. peak hour trips, and 1,100 p.m. peak hour vehicle trips. The transportation consultant estimated that up to approximately 14 percent of Project a.m. peak hour traffic and up to 21 percent of Project p.m. peak hour traffic would be added to Broadway.

- I-SS-7      The commenter indicates that the traffic traveling to Bayside Park between 4:00 p.m. and 7:00 p.m. is unbearable, and this was not the case ten years ago.
- This opinion does not address the adequacy of the Draft EIR; consequently, as explained in **Master Response 1: Non-CEQA Comments**, no response is required. However, the comment has been noted and will be forwarded to decision-makers.
- I-SS-8      The commenter indicates the new bike paths on California Drive have already caused significant delays in condensing to one lane traffic when school begins and ends. The comments adds that the City approved a Top Golf which will draw even more visitors from outside the area.
- This opinion does not address the adequacy of the Draft EIR; consequently, as explained in **Master Response 1: Non-CEQA Comments**, no response is required. However, the comment has been noted and will be forwarded to decision-makers.
- I-SS-9      The commenter indicates it can only be surmised that City planners do not live here.
- This opinion does not address the adequacy of the Draft EIR; consequently, as explained in **Master Response 1: Non-CEQA Comments**, no response is required. However, the comment has been noted and will be forwarded to decision-makers.
- I-SS-10      The commenter indicates the infrastructure is not capable of supporting this level of density.
- Due to lack of specificity in the comment, no direct response is possible. However, please also see Draft EIR Section 4.14 *Transportation* as it relates to the Project effects on the transportation network and systems serving the Project, and Section 4.15, *Utilities and Services*, as it relates to Project impacts on public infrastructure systems serving the Project.
- I-SS-11      The commenter indicates that the office market is anemic and will get worse over the next two years.

This comment does not address the adequacy of the Draft EIR; consequently, as explained in **Master Response 1: Non-CEQA Comments**, no response is required. The comment has been noted and will be forwarded to decision-makers. Please also see response to Comment I-Gomery1-2.

# Comment Letter I-Zuckerman

**From:** [Mark Zuckerman](#)  
**To:** [CD/PLG-Catherine Keylon](#)  
**Subject:** Comments on Bayshore construction  
**Date:** Thursday, November 2, 2023 5:16:59 PM

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I'm very concerned with the construction on the tall/large buildings at Bayshore.

It appears that traffic flow will be negatively impacted not only with the size of the project but the increase in cars for the site causing traffic jams surrounding the entrance to 101. Also the traffic and size of the project may have adverse impacts on the entrance to Burlingame's bay path nearby. Also the 101 exit at Broadway to get the site will make the bridge a disaster.

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I am glad that finally there will be access to a pedestrian/bike lane into the bay path (Airport Blvd) from the site.

I 4

The Millbrae Station apartments shows even though the site is only slightly occupied the traffic at the intersection of Millbrae Ave and Rollins Rd. and is getting congested with the local food plaza nearby.

I 5

I feel that site should be downsized and maybe a cloverleaf entrance to 101 could be constructed but that with the construction of the building traffic will be a nightmare.

I 6

Impact to the bay will be adversely affected as well. That area does not have great mixing so debris will clog the bay. Check the pathetic area of the bay Burlingame conservation has nearby. It's an absolute mess.

I 7

Mark Zuckerman  
[REDACTED]

Sent from my iPhone

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### **Responses to Comments from Mark Zuckerman**

I-Zuckerman-1 The comment indicates that traffic flow will be negatively affected not only with size of the Project but the increase in cars causing traffic jams surrounding the entrance to U.S. 101.

The commenter is referred to **Master Response 2: Standards for Transportation Analysis under CEQA** in this Response to Comments Document for a discussion of standards used for assessing transportation impacts under CEQA, and traffic analysis that has been conducted for the Project separate from the CEQA process.

I-Zuckerman-2 The commenter indicates that the traffic and size of the Project may have adverse impacts on the entrance to Burlingame's bay path nearby.

The Project would overall increase access to the Bay Trail by including a new 1,475-foot segment that would be extended through the Project site, connecting to existing segments of the Bay Trail at the north and south ends of the Project site. The Project would also include a new public trail along both sides of the Easton Creek corridor that would connect Old Bayshore Highway with the Bay Trail extension. In addition, the Project proposes to provide 20 dedicated vehicles parking spaces for the Bay Trail.

I Zuckerman-3 The comment indicates that the U.S. 101 exit at Broadway to the get to the Project site would make the overcrossing a disaster.

The commenter is referred to **Master Response 2: Standards for Transportation Analysis under CEQA** in this Response to Comments Document for a discussion of standards used for assessing transportation impacts under CEQA, and traffic analysis that has been conducted for the Project separate from the CEQA process.

I-Zuckerman-4 The commenter supports the access to a pedestrian/bike lane into the bay path from the site.

The comment is noted; no response is required.

I-Zuckerman-5 The commenter indicates that the Millbrae Station apartments show that even though the site is only slightly occupied, the traffic at the intersection of Millbrae Avenue and Rollins Road is getting congested with the local food plaza nearby.

This opinion does not address the adequacy of the Draft EIR; consequently, as explained in **Master Response 1: Non-CEQA Comments**, no response is required. However, the comment has been noted and will be forwarded to decision-makers.



I-Zuckerman-6 The commenter indicates the site should be downsized and a cloverleaf entrance to U.S. 101 could be constructed, but with that the construction of the building would be a nightmare.

This opinion does not address the adequacy of the Draft EIR; consequently, as explained in **Master Response 1: Non-CEQA Comments**, no response is required. However, the comment has been noted and will be forwarded to decision-makers.

I-Zuckerman-7 The commenter indicates that impact to the bay will be adversely affected, adding that the area does not have great mixing so debris will clog the bay, citing as an example the condition of the bay in the nearby conservation area.

The Draft EIR Section 4.9, *Hydrology and Water Quality*, addresses all potential construction and operational impacts of the proposed Project to the Bay. During construction, the Project would be required to apply for coverage under the State General Construction Permit (CGP) to comply with federal National Pollutant Discharge Elimination System (NPDES) regulations. A site-specific Stormwater Pollution Prevention Plan (SWPPP) would be developed and implemented as part of the Project in accordance with the NPDES CGP, to minimize water impacts during demolition and construction. The SWPPP would include Best Management Practices (BMPs) designed to control and reduce soil erosion, ensure proper stormwater control and treatment, and reduce the discharge of pollution to the storm drain system. Compliance with the NPDES CGP regulations discussed above, and implementation of Mitigation Measure HAZ-1 identified in Section 4.8 would prevent substantial degradation in water quality during construction of Project development, and would be effective in ensuring that construction activities would result in a less than significant impact to water quality.

Section 4.9 also explains that stormwater runoff from operation of the Project is regulated under the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (MRP; Municipal Separate Storm Sewer System (MS4)). The Project applicant would be required to submit the C.3 Regulated Projects Guide (SMCWPPP) checklist to the City to show compliance with NPDES regional permit requirements. BMPs included in site designs and plans for the Project would be reviewed by the City's Public Works engineering staff to ensure appropriateness and adequate design capacity prior to permit issuance. The San Francisco Bay Regional Water Quality Control Board (RWQCB) has incorporated requirements in the MRP to protect water quality and approved the SMCWPPP, which is in compliance with the NPDES municipal stormwater permit. The City review and permitting process would ensure that the Project meets the permit's waste discharge requirements.

Please also note that the existing on-site stormwater collection infrastructure on the Project site would be replaced with new stormwater collection and treatment

system. Stormwater flows collected from the proposed parking structures and the remainder of the Project site would be treated with the use of on-grade flow-through planters. Stormwater collected from site building roofs and impervious roads would be treated in the bioretention areas and then discharged to the existing City storm drain system in Old Bayshore Highway or to new Easton Creek outfalls. On-site access roads would grade toward Old Bayshore Highway, and bioretention areas would be required along that frontage to collect and treat road runoff.

Based on the above, construction and operation of the Project would not violate any waste discharge requirements or otherwise substantially degrade water quality, and the impact on water quality would be less than significant.

### 3.3.4 Draft EIR Public Hearing – Planning Commission Meeting Minutes



## City of Burlingame

BURLINGAME CITY HALL  
501 PRIMROSE ROAD  
BURLINGAME, CA 94010

### Meeting Minutes Planning Commission

Monday, October 23, 2023

7:00 PM

Council Chambers/Online

#### 1. CALL TO ORDER - 7:00 p.m. - Council Chambers/Online

*The meeting was called to order at 7:00 p.m. Staff in attendance: Community Development Director Kevin Gardiner, Planning Manager Ruben Hurin, Senior Planner Catherine Keylon, and Assistant City Attorney Scott Spansail.*

#### 2. ROLL CALL

**Present** 7 - Comaroto, Horan, Lowenthal, Pfaff, Schmid, Shores, and Tse

#### 3. REQUEST FOR AB 2449 REMOTE PARTICIPATION

*There were no requests.*

#### 4. APPROVAL OF MINUTES

##### a. Draft October 10, 2023 Planning Commission Meeting Minutes

**Attachments:** [Draft October 10, 2023 Planning Commission Meeting Minutes](#)

*Commissioner Horan noted that he was not present at the October 10, 2023 meeting, but watched the meeting video and feels comfortable participating in the vote.*

**Commissioner Lowenthal made a motion, seconded by Commissioner Comaroto, to approve the meeting minutes. The motion carried by the following vote:**

**Aye:** 7 - Comaroto, Horan, Lowenthal, Pfaff, Schmid, Shores, and Tse

#### 5. APPROVAL OF AGENDA

*There were no changes to the agenda.*

#### 6. PUBLIC COMMENTS, NON-AGENDA

*There were no Public Comments.*

#### 7. STUDY ITEMS

- a. 1200-1340 Bayshore Highway, zoned BFC - Public Comment on Draft Environmental Impact Report for an application for Commercial Design Review, Special Permits for Building Heights and Development under Tier 3/Community Benefits for a new development consisting of three, 11-story life science/office buildings and two, 10-story parking structures. (DivcoWest, Burlingame Venture LLC, applicant and property owner; WRNS Studio, architect) (92 noticed) Staff Contact: Kelly Beggs/Catherine Keylon

**Attachments:** [1200-1340 Bayshore Hwy - Staff Report](#)  
[1200-1340 Bayshore Hwy - Attachments](#)  
[1200-1340 Bayshore Hwy - Draft EIR](#)  
[1200-1340 Bayshore Hwy - Combined Appendices](#)  
[1200-1340 Bayshore Hwy - Plans](#)

All Commissioners have visited the project site. Senior Planner Keylon provided an overview of the staff report.

Chair Pfaff opened the public hearing.

Public Comments:

> Public comment sent via email by Marjan Abubo: I am speaking on behalf of ("LiUNA") the Labors International Union of North America, Local Union 261 and its members living in and near the City of Burlingame regarding the project known as Peninsula Crossing. LiUNA is currently reviewing the Project and we anticipate sharing our findings regarding potential impacts to air quality, noise, and biological resources as well as general consistency issues. LiUNA anticipates submitting timely comments along with independent expert reviews of our findings, and we have been working closely with the City and Ms. Keylon to obtain all relevant materials to perform a holistic review. Provided how comments are due next Friday on November 3 and we have not yet received information regarding the Phase I Environmental Site Assessments, LiUNA respectfully requests an extension of the comment deadline in order to fully evaluate the Project and any potential impacts. Looking ahead to future planning dates, prior to approving the project, LiUNA hopes for the Commission to take the time necessary to consider LiUNA's comments, review the potential impacts that would result from construction and operation of the Project on surrounding sensitive communities, recognize the possibly significant health risks posed to workers at the Project, as well as prepare a CEQA document that assesses these potentially significant environmental effects. Thank you for considering these comments and I look forward to hearing any updates during this evening's meeting.

Abubo-1

Chair Pfaff closed the public hearing.

Commission Discussion/Direction:

> Clarifying that this is not a meeting to go back and forth with the applicants. However, if we have some questions do we just ask you? (Keylon: If there are clarifying questions regarding the CEQA document or the overall details of the project, we would be happy to do that. Tonight, we are not responding to any inquiries about the specific studies, but we can add those to the Response to Comments document. Then at the next hearing, if you think the responses were not sufficient or have further questions, we can have dialogue at that time.)

> Clarifying question on the footnote on page 2 of staff report about intersection function that it is no longer part of the CEQA document. Where is it now being evaluated? (Keylon: We refer to that as Level of Service and was previously looked at in CEQA. SB743 then changed that analysis to what is called VMT (Vehicle Miles Traveled). That analysis is now included with the CEQA document. The City's Engineering Division does look at intersection functionality or level of service as part of their analysis and overall review of the project, but not within the scope of CEQA or the environmental review.)

Horan-2

> What is the projected timeline and phasing for the project? (Keylon: The phasing is detailed in the project description, which is in Section 3. We have months' projections, but no actual dates provided. Is it not specific in terms of nailing down the calendar years, it just has the proposal for each phase. That is something that will come before the Commission for final decision when the project comes forwards. There is also a development agreement that is part of the full entitlement package.)

Tse-3

> Does this project have a photovoltaic system? (Keylon: In referencing the attached climate action

Pfaff-4

checklist, the applicant notes that the project does not include a photovoltaic system and one is not required for non-residential buildings that are more than three stories. This information is included in their application.)

> In the past meetings, I have accentuated and had concerns about the pedestrian scale of the use of public spaces and access to the project site. So I want to call attention to and highlight Adrienne Leigh's letter that goes into great detail, specifically on how to provide safe pedestrian travel and bicyclists, noting some of the sizes and dimensions of the features that should be provided. I believe she's on the Transportation Commission. I just want to bring attention to that specifically because it is in line with my concerns I've noted in the past, including the human relationship with this project site.

> I have similar comments to many of the written public comments we have received. I do have one specific item that I did not understand and that is with relation to vibration and pile driving. I have read in the report that they may be using a different type of technique. I could not understand it, so I was wondering if it can be further investigated for the final document. (Keylon: It is included in Section 4.11, Noise and Vibration, on page 14 of the CEQA document under Impact Analysis. The first paragraph says "No pile driving or blasting activities are proposed during construction of the project. However, sheet piles would be installed using a drilled cast-in-place method such as auger cast or torque down piles or vibratory hammer suspended from a crane for sheet piles comprising portions of the proposed seawall." We can ask for detailed information on how each of those might work in the field and the Response to Comments document may include a summary.)

There is no motion for this item. The application will return for action once the environmental review has been completed.

Tse-5

Pfaff-6

## 8. CONSENT CALENDAR

*There were no Consent Calendar Items.*

## 9. REGULAR ACTION ITEMS

*There were no Regular Action Items.*

## 10. DESIGN REVIEW STUDY

- a. 201 Burlingame Avenue, zoned R-1 - Application for Design Review for a new, two-story single-unit dwelling and detached garage. (Jesse Geurse, Geurse Conceptual Designs, Inc., applicant and designer; Burlingame Bancroft Estate LLC, property owner) (58 noticed) Staff Contact: Fazia Ali

Attachments: [201 Burlingame Ave - Staff Report](#)  
[201 Burlingame Ave - Attachments](#)  
[201 Burlingame Ave - Plans](#)

*All Commissioners have visited the project site. Community Development Director Gardiner provided an overview of the staff report.*

*Chair Pfaff opened the public hearing.*

*Jesse Geurse, designer, represented the applicant and answered questions regarding the application.*

*Public Comments:*

> Public comment sent via email by Fernando Correa, 211 Burlingame Avenue: The 201 Burlingame Avenue address is directly adjacent to our house. Our family has two comments/questions: a) We have

## ***Responses to Comments from the Public Hearing– October 23, 2023 Planning Commission Meeting***

PH-Abubo-1 The commenter indicates representing the Laborer’s International Union of North America (LiUNA), and that LiUNA anticipates submitting comments along with independent reviews. The commenter indicates that information requested from the City regarding Phase I Environmental Site Assessments have not yet been received, consequently, requests an extension of the public review period in order to fully evaluate the Project and any potential impacts.

The City provided the requested files to the commenter on October 24, 2023. It should be noted that the City also elected to extend the public review from November 3, 2023 to November 9, 2023 to provide for extra time for consideration of the documents that were provided.

The commenter requests the Commission consider LiUNA’s comments, review the potential impacts that would result from construction and operation of the Project and surrounding sensitive communities, recognize the potentially significant health risks posed to workers at the Project, and prepare a CEQA document that assesses the potentially significant effects.

The Draft EIR addresses all potential environmental effects associated with the construction and operation of the proposed Project, and determines that with incorporation of proposed Project design features, compliance with applicable governing regulations, and implementation of mitigation measures identified in the EIR, that all environmental impacts would be less than significant.

Specifically with respect to potential health risks, the commenter is referred to Section 4.8, *Hazards and Hazardous Materials* in the Draft EIR. As addressed in Impact HAZ-1, portions of the Project site have documented with fill, soil, and/or groundwater with chemical concentrations above regulatory action levels, associated with prior land uses on the Project site. Parcels on the Project site with land use restrictions (1298 and 1200 Old Bayshore Highway) due to subsurface soil and/or groundwater will require that the City notify the San Mateo County Environmental Health Services (SMCEHS) of proposed excavation and/or redevelopment of those parcels and that the SMCEHS must approve of any changes to the parcel.

To reduce the potential significant impact to construction workers and the environment during construction and to comply with the SMCEHS land use restrictions, the Project applicant shall implement Mitigation Measure HAZ-1, Construction Soil and Groundwater Management Plan (SGMP). The SGMP shall include, but is not limited to, training for site workers on recognizing and responding to hazardous materials that may be encountered; notification requirements in the event of discovery; protocols for the materials testing, handling, removing, transporting, and disposing of all excavated materials and

dewatering effluent in a safe, appropriate, and lawful manner; and reporting requirement to the overseeing regulatory agency. With compliance with the numerous laws and regulations that govern hazardous materials and the implementation of Mitigation Measure HAZ-1 to properly manage materials and dewatering effluent at the Project site, potential impacts related to the accidental release of hazardous materials would be less than significant.

PH-Horan-2 Please see **Master Response 2: Standards for Transportation Analysis under CEQA** in this Response to Comments Document for a discussion of standards used for assessing transportation impacts under CEQA, and traffic analysis that has been conducted for the Project separate from the CEQA process.

PH-Tse-3 The commenter inquires about the projected timeline and phasing for the Project.

As discussed in Chapter 3, *Project Description*, full buildout of the proposed Project would require approximately 43 months.

PH-Pfaff-4 The commenter inquires if the project has a photovoltaic system.

The Project as proposed does not include a photovoltaic system. Please refer, however, to the Draft EIR, Chapter 3 *Project Description*, which describes the proposed sustainable features of the proposed Project. This includes, but is not limited to, targeting for the design of the Project buildings to meet the LEED™ Gold standard; use of electric space heating/cooling and domestic water heating instead of natural gas to reduce carbon emissions; inclusion of 340 electric vehicle charging station) stalls to reduce fossil fuels; implementation of a Transportation Demand Management Program; provision for large landscaped area and open space to reduce the amount of impervious services that are currently present on-site; use of natural stormwater treatment systems, including bioretention areas; and implementation of water conservation features.

PH-Tse-5 The commenter notes concerns with the pedestrian scale of the use of public spaces and access to the Project site, and calls attention to Adrienne Leigh's comment letter on the Draft EIR (see Comment Letter I-Leigh), including as it relates to safe pedestrian travel and for bicyclists.

Please see the responses to Comment letter I-Leigh for responses to each of Adrienne Leigh's comments.

PH-Pfaff-6 The commenter inquires about the type of technique that would be used to install piles at the Project site instead of pile driving.

As described in the Draft EIR, Chapter 3 *Project Description*, there would be no pile driving. Rather, to reduce potential noise and vibration effects associated with pile installation, piles would be installed using a drilled, cast-in-place method, such as auger-cast or torque down piles, or a vibratory hammer



suspended from a crane for installation of sheet piles that would comprise portions of the proposed sea wall.

Cast-in-place concrete piles eliminate the need for pile driving machinery. *Auger cast piles* are constructed with a drill rig using a hollow-stem continuous-flight auger. The auger is rotated into the soil to a designed depth. Concrete or grout is pumped through the hollow stem, to fill the cylindrical cavity created as the auger is slowly removed. A reinforcement cage is then placed through the freshly placed concrete. *Torque down piles* are typically concrete filled, steel pipe piles installed with a drill rig screwing the piles into the ground using a combination of torque and downward pressure. *Vibratory hammers* are widely used to drive sheet piles. The vibratory hammer uses spinning counterweight to drive the sheet pile with the use of vibration. As the pile vibrates, it penetrates the soil and is driven underground to the desired depth.

The Draft EIR, Section 4.11, *Noise and Vibration*, assessed the Project noise and vibration impacts that included use of these alternate pieces of construction equipment. As addressed in Impact NOI-1, Project construction increases in ambient noise levels at the closest sensitive receptors would be below the applicable daytime criteria for residential uses, and consequently, would be less-than-significant. In addition, Project construction vibration levels would be well below the applicable human annoyance and building damage thresholds, and consequently, the Project vibration impacts would similarly be less than significant.

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# CHAPTER 4

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## Revisions to the Draft EIR

### 4.1 Introduction

This chapter presents revisions to the text, tables and figures to the Draft EIR. These revisions include both (1) revisions made in response to comments on the Draft EIR, as well as (2) City staff-initiated text changes to correct minor inconsistencies, to add minor updates to information or clarification related to the proposed Project, and to provide updated information where applicable. None of the revisions or corrections in this chapter substantially change the analysis and conclusions presented in the Draft EIR or require recirculation of the Draft EIR.

The chapter includes all revisions to the Draft EIR in the sequential order that they appear in that document. Preceding each revision is a brief explanation for the text change, and the section/page number in the Draft EIR where the revision occurs. Deletions in text and tables are shown in strikethrough (~~strikethrough~~) and new text is shown in underline (underline).

#### 4.1.1 Revisions to the Draft EIR

##### Chapter 2, Summary

The following clarifications are made as a staff-initiated change to the mitigation for Impact C-AIR-1 in Table 2-1, third column on page 2-8:

Implement Mitigation Measure AIR-1a, Mitigation Measure AIR-1b, Mitigation Measure AIR-1c, Mitigation Measure AIR-1d, Mitigation Measure AIR-1e, and Mitigation Measure AIR-2.

The following clarifications are made as a staff-initiated change to the mitigation for Impact GHG-1 in Table 2-1, third column on page 2-18:

Implement Mitigation Measure AIR-~~12~~a, Mitigation Measure AIR-~~12~~b, Mitigation Measure AIR-~~12~~c, Mitigation Measure AIR-~~12~~d, and Mitigation Measure AIR-~~23~~a.

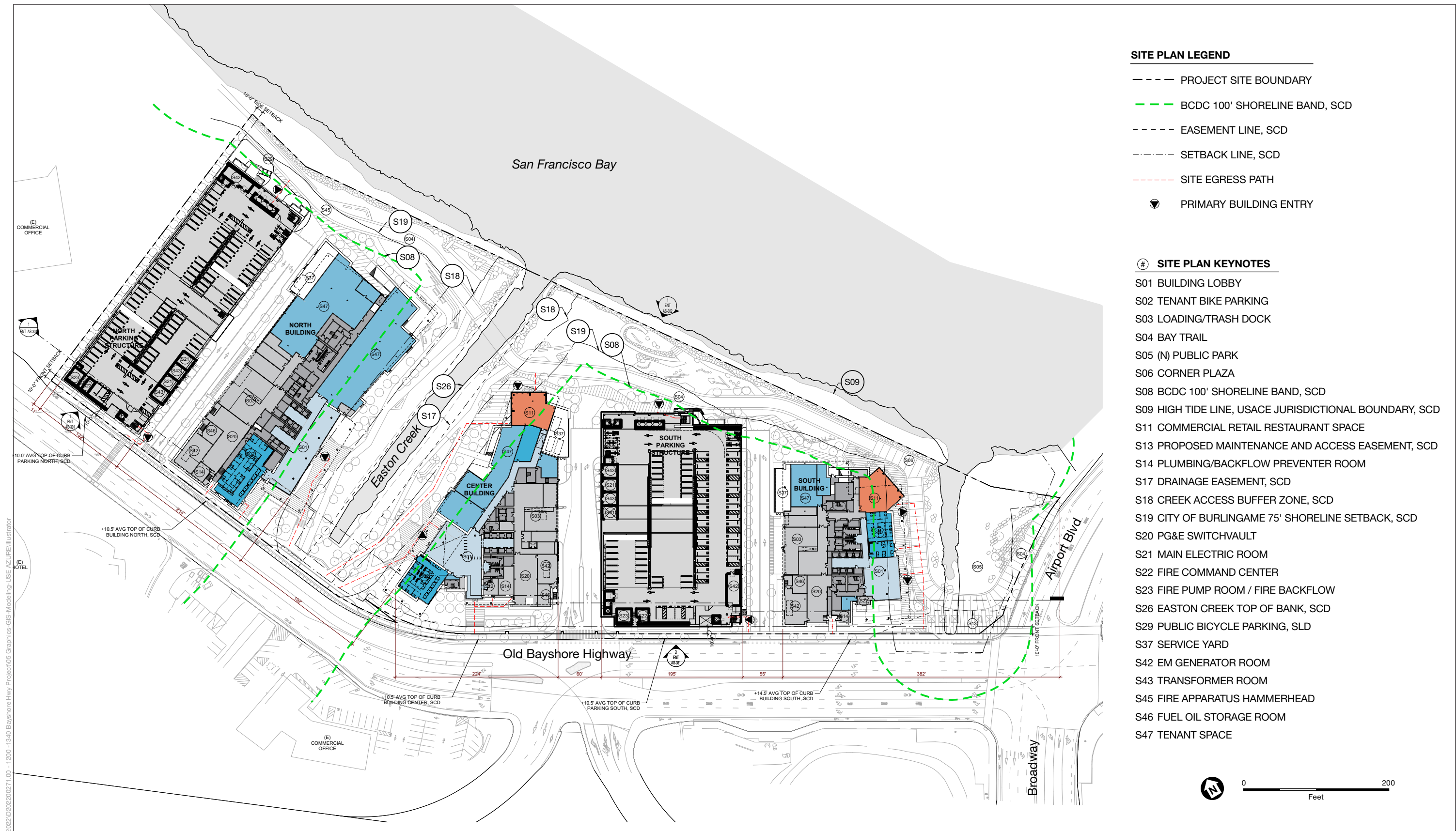
The following clarification is made as a staff-initiated change to Mitigation Measure UTIL-2 in Table 2-1, third column on page 2-25:

**Mitigation Measure UTIL-2: Contribute to Water Conservation Programs under the City's Development Offset Program.**

Per the Development Offset Program and the WSA, the Project applicant shall make a monetary contribution to pay for its fair share of funding of water conservation programs to offset the Project's contribution to the City's water ~~demand overage~~ supply shortfall of ~~9~~ 4.2 MGY during multiple dry years. The Project applicant shall make this contribution in three installments prior to issuance of Certificate of Occupancy for each of the three office/R&D buildings in amounts calculated at that time which are proportional to each building's square footage.

### **Chapter 3, Project Description**

Figures 3-4 through 3-7 presented on the following pages have been revised in response to Comment A-BCDC-3.

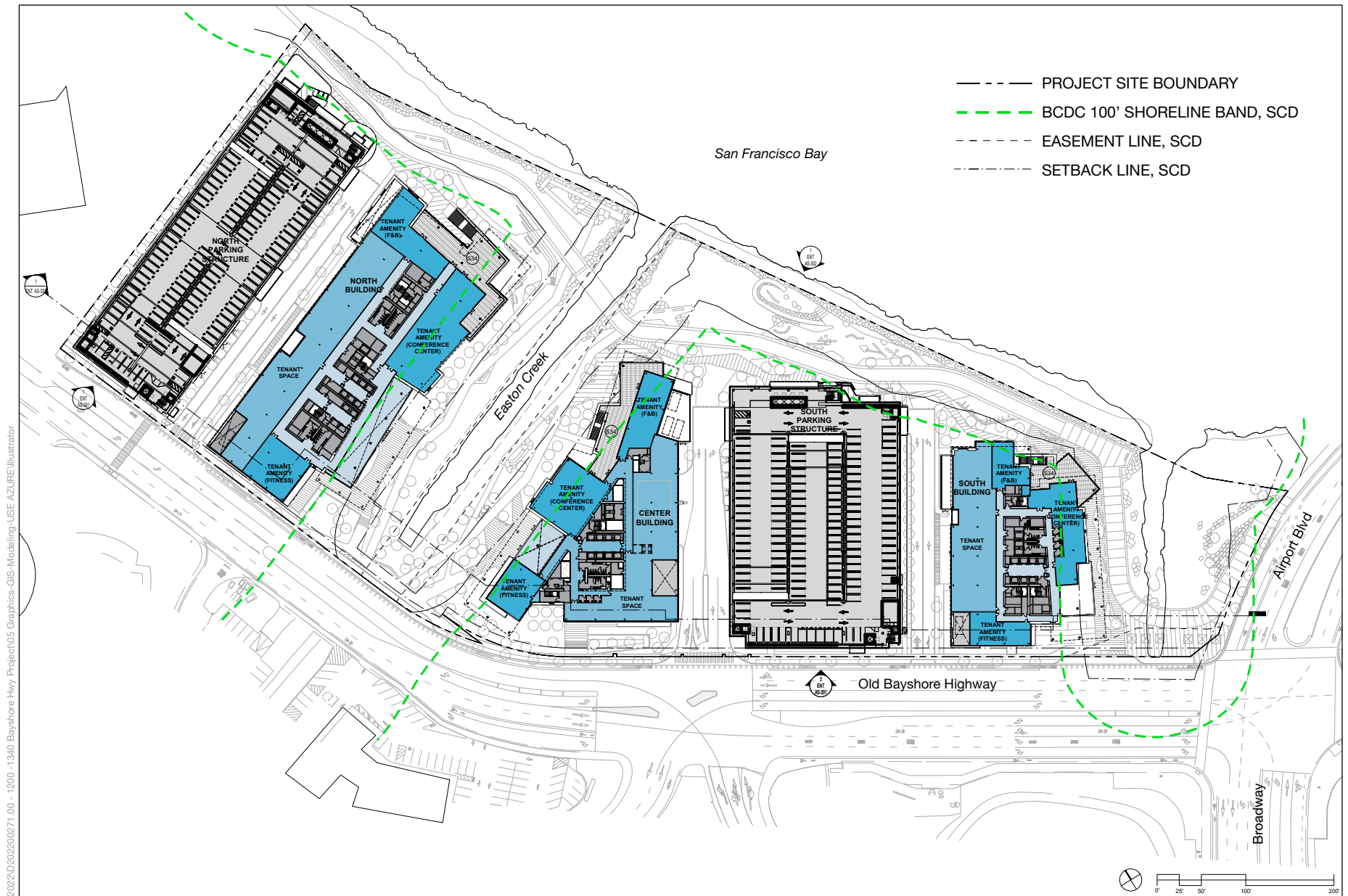


SOURCE: DW Burlingame I Owner, LLC, DW Burlingame II Owner, LLC, DW Burlingame III Owner, LLC, 2022; and H.T. Harvey & Associates, 2023

1200-1340 Old Bayshore Highway EIR

**Revised Figure 3-4**  
Proposed Ground Level Site Plan

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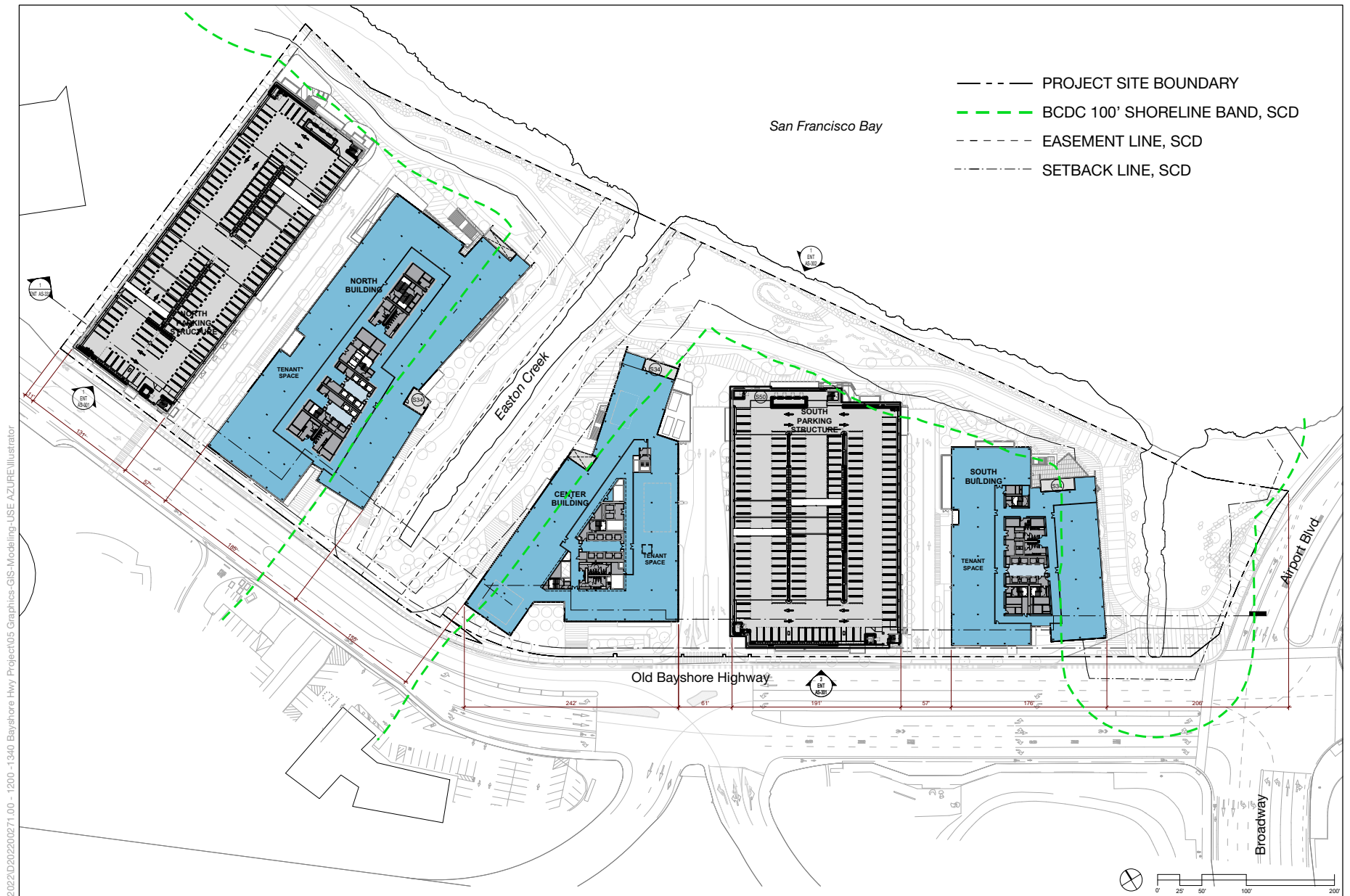


SOURCE: DW Burlingame I Owner, LLC, DW Burlingame II Owner, LLC, DW Burlingame III Owner, LLC, 2022; and H.T. Harvey & Associates, 2023

1200-1340 Old Bayshore Highway EIR

**Revised Figure 3-5**  
**Proposed Level 2 Plan**



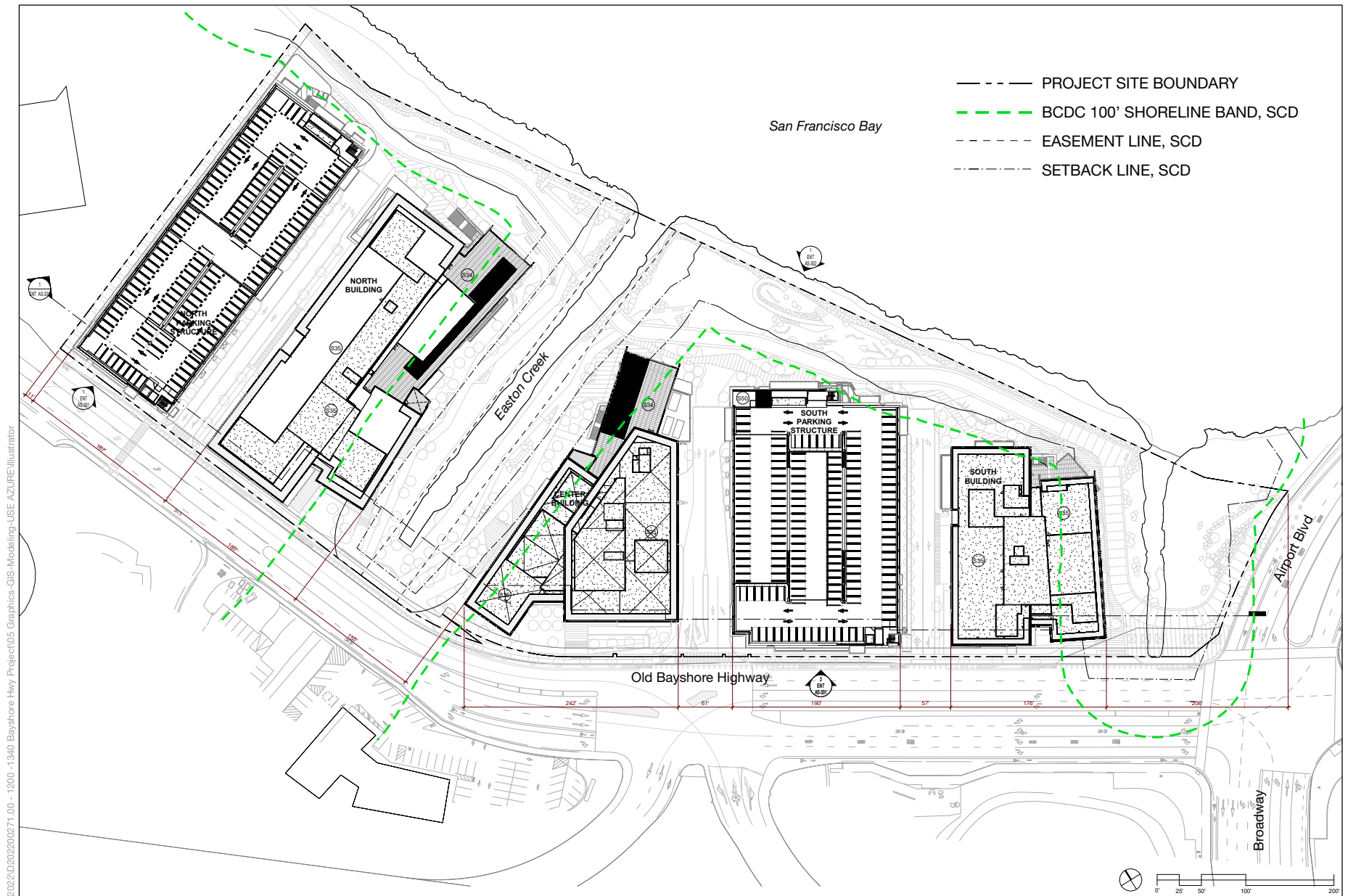


SOURCE: DW Burlingame I Owner, LLC, DW Burlingame II Owner, LLC, DW Burlingame III Owner, LLC, 2022; and H.T. Harvey & Associates, 2023

1200-1340 Old Bayshore Highway EIR

**Revised Figure 3-6**  
Proposed Level 6 Plan





SOURCE: DW Burlingame I Owner, LLC, DW Burlingame II Owner, LLC, DW Burlingame III Owner, LLC, 2022; and H.T. Harvey & Associates, 2023

1200-1340 Old Bayshore Highway EIR



## Section 4.1, Aesthetics

Draft EIR Section 4.1, *Aesthetics*, page 4.1-11, second full paragraph, is revised in response to Comment A-BCDC-5, as follows:

In addition, BCDC regulates new development within 100 feet of the shoreline to ensure that maximum feasible public access to and along the Bay is provided. In Burlingame, this includes all creeks draining to San Francisco Bay as far inland as the east side of Old Bayshore Highway, Anza Lagoon, Sanchez Channel, Burlingame Lagoon, and the Sanchez Marsh. Within the Project site BCDC, this includes Easton Creek and the remnant channel in the southern portion of the site. In Burlingame, standards for providing shoreline access have been adopted by both BCDC in its *Public Access Design Guidelines for the San Francisco Bay* (BCDC, 2005) and the Burlingame City Council (City of Burlingame Zoning Ordinance Section 25.12.050, Public Access, Flood, and Sea Level Rise Performance Guidelines). These standards define how public access is provided on shoreline properties and establish measurable standards for implementation. Development within BCDC's jurisdiction is required to conform to these standards (City of Burlingame, 2019b).

Draft EIR Section 4.1, *Aesthetics*, page 4.1-42, the following is inserted as the first reference in Section 4.14, *References*:

San Francisco Bay Conservation and Development Commission (BCDC), 2005.  
*Shoreline Spaces: Public Access Design Guidelines for the San Francisco Bay*. April 2005. Available: [https://www.bcdc.ca.gov/planning/reports/ShorelineSpacesPublicAccessDesignGuidelinesForSFBay\\_Apr2005.pdf](https://www.bcdc.ca.gov/planning/reports/ShorelineSpacesPublicAccessDesignGuidelinesForSFBay_Apr2005.pdf).

## Section 4.2, Air Quality

The following clarifications are made as a staff-initiated change to for the mitigation for Impact C-AIR-1 in Table 2-1, third column on page 2-8:

Implement Mitigation Measure AIR-1a, Mitigation Measure AIR-1b, Mitigation Measure AIR-1c, Mitigation Measure AIR-1d, and Mitigation Measure AIR-~~21~~e.

## Section 4.3, Biological Resources

Draft EIR Section 4.3, *Biological Resources*, page 4.3-12, second full paragraph, the following is inserted at the end of the paragraph in response to Comment A-BCDC-7, as follows:

The Bay Plan includes a number of policy sections related to biological resources, including Fish, Other Aquatic Organisms and Wildlife, Tidal Marshes and Tidal Flats, Subtidal Areas, and Mitigation.

Draft EIR Section 4.3, *Biological Resources*, page 4.3-12, third full paragraph, second sentence, is revised in response to Comment A-BCDC-6, as follows:

Along the tidal channel of Easton Creek, where narrow bands of tidal salt marsh are present, BCDC's Bay jurisdiction is defined as the upland edge of tidal marsh up to 5 feet above mean sea level~~MHW plus the upper extent of marsh vegetation.~~

Draft EIR Section 4.3, *Biological Resources*, page 4.3-12, the heading *Bay Conservation and Development Commission Regulations*, and two paragraphs that follow are moved to immediately follow the first full paragraph of page 4.3-12. This revision is made in response to Comment A-BCDC-7.

## Section 4.6, Geology and Soils

Draft EIR Section 4.6, *Geology and Soils*, page 4.6-15, first paragraph, first sentence under Impact GEO-3, is revised in response to Comment A-BCDC-8, as follows:

Project construction would include ground disturbance activities, such as site clearing, grading, or mass excavation that could contribute to substantial soil erosion ~~or the loss of topsoil.~~ As discussed in the *Environmental Setting*, the Project site is underlain by artificial fill, so there is no native topsoil on the Project site.

## Section 4.7, Greenhouse Gas Emissions

Draft EIR, Section 4.7, *Greenhouse Gas Emissions*, page 4.7-20, first paragraph, under Impact GHG-1, is clarified as a staff-initiated change, as follows:

Consistency of the Project with the Clean Air Plan is discussed under Impact 4.2-1 of Section 4.2, *Air Quality*. The analysis found that the Project would be consistent with the 2017 Clean Air Plan with implementation of Mitigation Measure AIR-~~12~~a: Construction Emissions Minimization, Mitigation Measure AIR-~~12~~b: Off-Road Equipment Tiers, Mitigation Measure AIR-~~12~~c: Haul Truck Tiers, Mitigation Measure AIR-~~12~~d: Exterior Paint, Mitigation Measure AIR-~~12~~e: Interior Paint, and Mitigation Measure AIR-~~23~~a: Zero-Emission Landscaping Equipment.

Draft EIR, Section 4.7, *Greenhouse Gas Emissions*, page 4.7-22, third paragraph, is clarified as a staff-initiated change, as follows:

**Mitigation:** Implement Mitigation Measure AIR-~~12~~a; Mitigation Measure AIR-~~12~~b; Mitigation Measure AIR-~~12~~c; Mitigation Measure AIR-~~12~~d; and Mitigation Measure AIR-~~23~~a.

## Section 4.8, Hazards and Hazardous Materials

Draft EIR Section 4.8, *Hazards and Hazardous Materials*, page 4.8-6, first paragraph, fifth sentence is clarified in response to Comment A-SFO-2, as follows:

The Project site is located inside the AIAs A and B.

Draft EIR Section 4.8, *Hazards and Hazardous Materials*, page 4.8-23, second full paragraph, second sentence in Impact HAZ-3 is clarified in response to Comment A-SFO-2, as follows:

The Project site is located inside the SFO ALUCP Airport Influence Areas (AIAs) A and B.

Draft EIR Section 4.8, *Hazards and Hazardous Materials*, page 4.8-23, fourth full paragraph, first sentence in Impact HAZ-3 is clarified in response to Comment A-SFO-8, as follows:

Accordingly, SFO commented ~~determined~~ that the proposed Project does not appear to be inconsistent with the ALUCP Airspace Compatibility policies, provided the proposed Project receives a Determination of No Hazard from the FAA (SFO, 2022).

Draft EIR Section 4.1, *Noise and Vibration*, page 4.8-23, second full paragraph, second sentence in Impact NOI-4 is clarified in response to Comment A-SFO-2, as follows:

The Project site is located inside the SFO AIAs Areas A and B.

## **Section 4.9, Hydrology and Water Quality**

Draft EIR Section 4.9, *Hydrology and Water Quality*, page 4.9-8, the following discussion of San Francisco Bay Plan Hydrology and Water Quality and Climate Change policies is inserted after the second full paragraph into the Regulatory Framework, in response to Comment A-BCDC-9, as follows:

### **San Francisco Bay Plan**

BCDC completed and adopted the Bay Plan in 1968. The Bay Plan has been periodically amended during the past 40 years. Several policies of the Bay Plan are aimed at protecting the bay's water quality, safety of fills, and guiding the dredging activities of the bay's sediment. Relevant Bay Plan policies with respect to water quality climate change are as follows:

### **Water Quality**

- Bay water pollution should be prevented to the greatest extent feasible. The Bay's tidal marshes, tidal flats, and water surface area and volume should be conserved and, whenever possible, restored and increased to protect and improve water quality. Fresh water inflow into the bay should be maintained at a level adequate to protect Bay resources and beneficial uses.
- Water quality in all parts of the Bay should be maintained at a level that will support and promote the beneficial uses of the Bay as identified in the regional board's Water Quality Control Plan, San Francisco Bay Basin and should be protected from all harmful or potentially harmful pollutants. The policies, recommendations, decisions, advice and authority of the state board and the regional board, should be the basis for carrying out BCDC's water quality responsibilities.

- New projects should be sited, designed, constructed and maintained to prevent or, if prevention is infeasible, to minimize the discharge of pollutants into the bay by: (a) controlling pollutant sources at the project site; (b) using construction materials that contain nonpolluting materials; and (c) applying appropriate, accepted and effective best management practices, especially where water dispersion is poor and near shellfish beds and other significant biotic resources.
- When approving a project in an area polluted with toxic or hazardous substances, BCDC should coordinate with appropriate local, state and federal agencies to ensure that the project will not cause harm to the public, to Bay resources, or to the beneficial uses of the Bay.
- To protect the Bay and its tributaries from the water quality impacts of nonpoint source pollution, new development should be sited and designed consistent with standards in municipal stormwater permits and state and regional stormwater management guidelines, where applicable, and with the protection of Bay resources. To offset impacts from increased impervious areas and land disturbances, vegetated swales, permeable pavement materials, preservation of existing trees and vegetation, planting native vegetation and other appropriate measures should be evaluated and implemented where appropriate.
- Whenever practicable, native vegetation buffer areas should be provided as part of a project to control pollutants from entering the Bay, and vegetation should be substituted for rock riprap, concrete, or other hard surface shoreline and bank erosion control methods where appropriate and practicable.

### **Climate Change**

- When planning shoreline areas or designing larger shoreline projects, a risk assessment should be prepared by a qualified engineer and should be based on the estimated 100-year flood elevation that takes into account the best estimates of future sea-level rise and current flood protection and planned flood protection that will be funded and constructed when needed to provide protection for the proposed project or shoreline area. A range of sea-level rise projections for mid-century and end of century based on the best scientific data available should be used in the risk assessment. Inundation maps used for the risk assessment should be prepared under the direction of a qualified engineer. The risk assessment should identify all types of potential flooding, degrees of uncertainty, consequences of defense failure, and risks to existing habitat from proposed flood protection devices.
- To protect public safety and ecosystem services, within areas that a risk assessment determines are vulnerable to future shoreline flooding that threatens public safety, all projects—other than repairs of existing facilities, small projects that do not increase risks to public safety, interim projects and infill projects within existing urbanized areas—should be designed to be resilient to a mid-century sea-level rise projection. If it is likely the project will remain in place longer than mid-century, an adaptive management plan should be developed to address the long-term impacts that will arise based on a risk assessment using the best available science-based projection for sea-level rise at the end of the century.

Draft EIR Section 4.9, *Hydrology and Water Quality*, page 4.9-19, seventh paragraph, first sentence is revised in response to Comment A-Caltrans-9, as follows:

In addition, as part of the City and San Mateo County planning to provide regional flood protection infrastructure, the Project would raise the ground surface elevation along the bay shoreline to a contiguous crest elevation of 17 ft NAVD 88, as specified by the City's Map of Future Conditions, and derived from the San Mateo County Flood & Sea Level Rise Resiliency District (OneShoreline) *Planning Policy Guidance to Protect and Enhance Bay Shoreline Areas of San Mateo County*.

Draft EIR Section 4.9, *Hydrology and Water Quality*, page 4.9-22, the following source is added as the last reference to Section 4.9.4, *References*, in response to Comment A-Caltrans-9, as follows:

San Mateo County Flood & Sea Level Rise Resiliency District (OneShoreline), *Planning Policy Guidance to Protect and Enhance Bay Shoreline Areas of San Mateo County*. June 2023.

## **Section 4.13, Public Services and Recreation**

Draft EIR Section 4.13, *Public Services and Recreation*, the following description of BCDC's authority and policies related to public access is inserted after the second full paragraph on page 4.13-6 within the Regulatory Framework in response to Comment A-BCDC-11:

### **San Francisco Bay Conservation and Development Commission and Bay Plan**

The BCDC is a state agency with permit authority over the San Francisco Bay and its shoreline. Created by the McAteer-Petris Act in 1965, BCDC regulates filling, dredging, and changes in use in the Bay. In addition, BCDC regulates new development within 100 feet of the shoreline to ensure that maximum feasible public access to and along the Bay is provided. It is necessary to obtain a BCDC permit prior to undertaking most work in the Bay or within 100 feet of the shoreline, including filling, dredging, shoreline development, and other work.

The San Francisco Bay Plan (Bay Plan) was prepared by BCDC from 1965 through 1969 and amended through 2019 in accordance with the McAteer-Petris Act (BCDC, 1965). The Bay Plan guides the protection and use of the Bay and its shoreline. Under the McAteer-Petris Act, the Bay Plan provides policy direction for BCDC's permit authority regarding the placement of fill, extraction of materials, determining substantial changes in use of land, water, or structures within its jurisdiction, protecting the Bay habitat and shoreline, and maximizing public access to the Bay.

Part IV of the Bay Plan contains findings and policies that pertain to development of the Bay and shoreline. Findings and policies concerning public access to the Bay are provided on pages 74 through 78 of the Bay Plan and address BCDC standards and requirements for provision, siting, design, permitting, and management of public access improvements within its jurisdiction.

## Section 4.14, Transportation

Draft EIR Section 4.14, *Transportation*, the following description of findings and policies in the Bay Plan that address transportation and public access is inserted after the first full paragraph on page 4.14-9 within the Regulatory Framework in response to Comment A-BCDC-13:

### **San Francisco Bay Plan**

The San Francisco Bay Plan (Bay Plan) was prepared by the Bay Conservation and Development Commission (BCDC) from 1965 through 1969 and amended through 2019 in accordance with the McAteer-Petris Act (BCDC, 1965). The Bay Plan guides the protection and use of the Bay and its shoreline. Part IV of the Bay Plan contains findings and policies that pertain to development of the Bay and shoreline, including findings and policies that address transportation and public access. Findings and policies concerning transportation direct that projects should be designed to maintain and enhance visual and physical access to the Bay and along the Bay shoreline. Findings and policies concerning public access to the Bay address BCDC standards and requirements for provision, siting, design, permitting, and management of public access improvements within its jurisdiction.

## Section 4.15, Utilities and Service Systems

Draft EIR Section 4.15, *Utilities and Service Systems*, the following revisions are made as staff-initiated changes. The following clarification is made to the second paragraph on page 4.15-16:

While there would be sufficient City water supplies for the additional 9 MGY water demand in normal years, there would not be sufficient water supplies during single dry and multiple dry years with implementation of the Bay-Delta Plan Amendment. The worst-case shortfall shown in the 2020 UWMP would occur for a multiple dry year drought starting in 2045. In this scenario, the City would experience up to a 53.3 percent shortfall without the demand associated with the proposed Project and the 1499 Old Bayshore Highway project. Adding the 9 MGY water demand associated with those projects would create an additional 0.3 percent to the City's worst-case shortfall (or a total shortfall of 53.6 percent) in 2045. The Project's contribution to the furtherance of the City's water supply shortfall would be a significant impact. The City has determined that the contribution of the Project and the 1499 Old Bayshore Highway Project can be mitigated with an additional 4.2 MGY of supply (thereby creating a total supply of 796.2 MGY that would result in the same 53.3 percent shortfall without both projects) or a reduction of 4.2 MGY in demand (which would create a total demand of 1,701.8 MGY and result in the same 53.3 percent shortfall without both projects).

The following clarification is made as a staff-initiated change to Mitigation Measure UTIL-2 on page 4.15-16:

**Mitigation Measure UTIL-2: Contribute to Water Conservation Programs under the City's Development Offset Program.**

Per the Development Offset Program and the WSA, the Project applicant shall make a monetary contribution to pay for its fair share of funding of water conservation programs to offset the Project's contribution to the City's water ~~demand overage~~ supply shortfall of ~~9~~ 4.2 MGY during multiple dry years. The Project applicant shall make this contribution in three installments prior to issuance of Certificate of Occupancy for each of the three office/R&D buildings in amounts calculated at that time which are proportional to each building's square footage.

## Appendix BIO

Draft EIR Appendix BIO, the following revision is made as a staff-initiated change to page 2, first row under Plants in Table BIO: Special-Status Species with a Moderate or High Potential to Occur in the Study Area:

Common Name Scientific Name	Listing Status USFWS/ CDFW/Other <sup>a</sup>	Habitat Description	Potential to Occur in the Project Site/Study Area <sup>b,c</sup>
Plants (cont.)			
Congdon's tarplant <i>Centromadia parryi</i> ssp. <i>congdonii congdonii</i>	--/--/1B.2	Valley and foothill grasslands/alkaline habitats, low water tolerance. 0 – 260m.  Blooms May – October, uncommon in November	<del>Low</del> <b>Absent.</b> <del>Limited</del> No suitable habitat is present in the Project site.



Appendix SFO  
**Comment Letter A-SFO**  
**Appendix**

## 4.2 Airport Influence Area (AIA)

The AIA for SFO includes two parts: Area A and Area B. Area A is the larger of the two areas and encompasses all of San Mateo County. Area B lies within Area A and includes land exposed to aircraft noise above CNEL 65 dB or lying below critical airspace.

Area A, depicted on **Exhibit IV-1**, includes the entire county, all of which is overflown by aircraft flying to and from SFO at least once per week at altitudes of 10,000 feet or less above mean sea level (MSL). (Appendix L explains the rationale for defining the AIA Area A boundary.)

Area B of the AIA, depicted on **Exhibit IV-2**, is based on a combination of the outer boundaries of the noise compatibility and safety zones, the 14 CFR Part 77 conical surface, and the TERPS approach and One-Engine Inoperative (OEI) departure surfaces.<sup>1</sup> As depicted on Exhibit IV-2, the Area B boundary has been adjusted to follow streets, highways, and corporate boundaries to make it easier to identify and implement. See **Exhibit IV-3** for a close-up view of the northwestern half of Area B and **Exhibit IV-4** for a close-up view of the southeastern half.

The following AIA policies (IP) shall apply to the ALUCP.

### IP-1 AIRPORT INFLUENCE AREA A – REAL ESTATE DISCLOSURE AREA

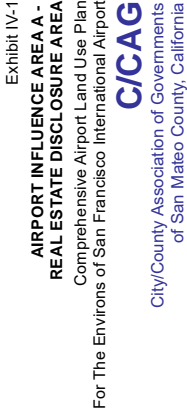
Within Area A, the real estate disclosure requirements of state law apply. Section 11010 of the Business and Professions Code requires people offering subdivided property for sale or lease to disclose the presence of all existing and planned airports within two miles of the property.<sup>2</sup> The law requires that, if the property is within an “airport influence area” designated by the airport land use commission, the following statement must be included in the notice of intention to offer the property for sale:

#### **NOTICE OF AIRPORT IN VICINITY**

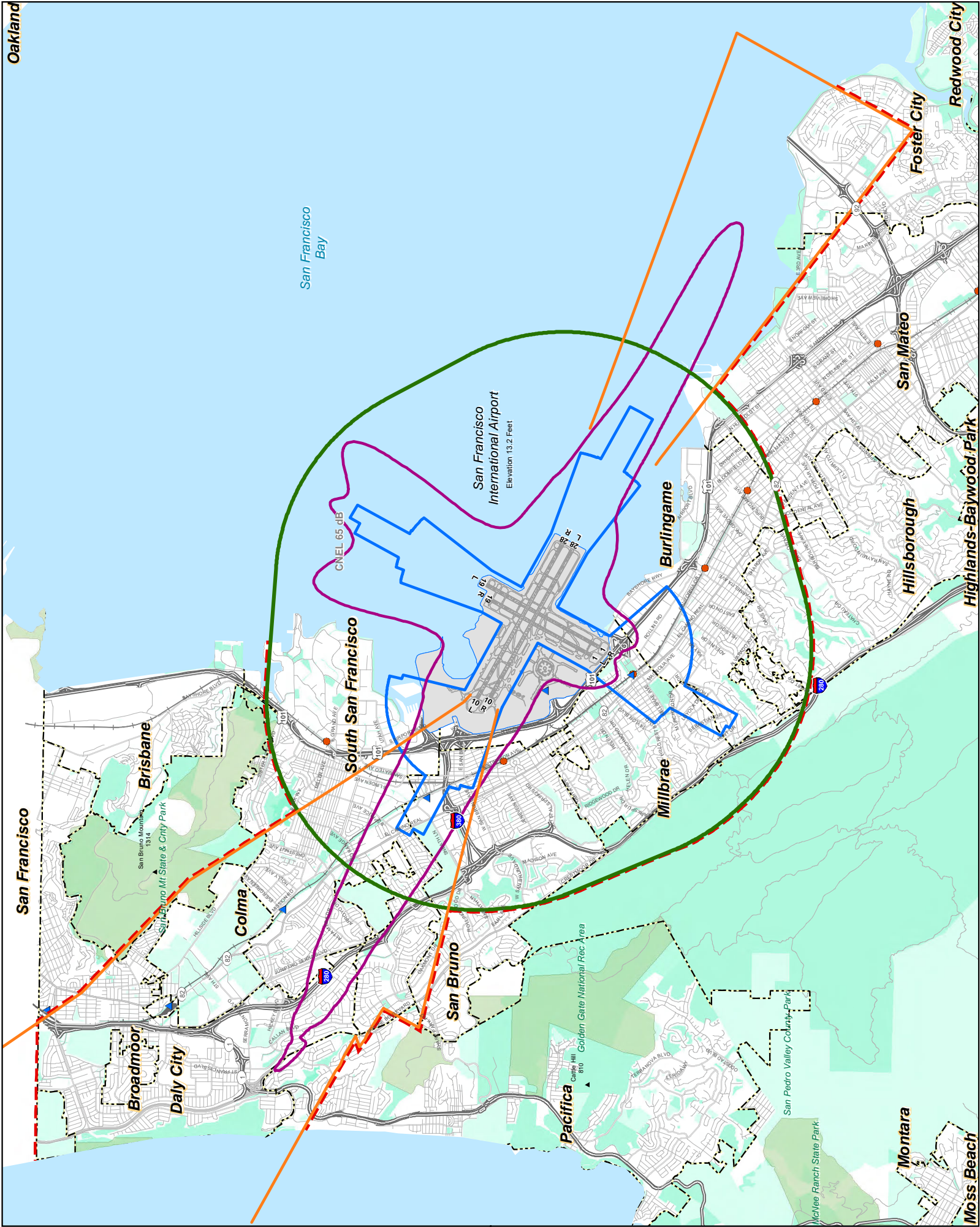
*This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.*

<sup>1</sup> On the northwest side, the Area B boundary corresponds to the 800-foot elevation line of the TERPS approach surface and the OEI departure surface. On the southeast side, the Area B boundary corresponds with the transitional surfaces rising from the flat, central portion of the TERPS surface having an elevation of 210 feet MSL. See Exhibits IV-17 and IV-18 for a detailed depiction of the airspace surfaces.

<sup>2</sup> California Business and Professions Code, Section 11010(b)(13).







**LEGEND**

- Boundary for Airport Influence Area B
- Outer Boundary of Safety Zones
- CNEL Contour, 2020 Forecast
- 14 CFR Part 77 Conical Surface
- Outer Boundary of TERPS Approach and OEI Departure Surfaces
- Airport Property
- BART Station
- CALTRAIN Station
- Municipal Boundary
- Railroad
- Freeway
- Road
- Local Park, Golf Course, Cemetery
- Regional Park or Recreation Area
- Open Space

Sources:

100:1 FAA Notification Zone: Ricondo & Associates, Inc. and Jacobs Consultancy, based on 14 CFR Part 77, Subpart B, Section 77.9.

Outer Boundary of TERPS Approach and OEI Departure Surfaces: San Francisco International Airport, Jacobs Consultancy, and Planning Technology Inc., 2009

Safety Compatibility Zones: Jacobs Consultancy Team, 2009; Ricondo & Associates, Inc., 2011

Noise Contour: URS Corporation and BridgeNet International. Draft Environmental Assessment. San Francisco International Airport Proposed Runway Safety Area Program, June 2011

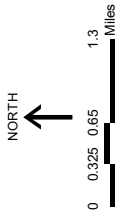
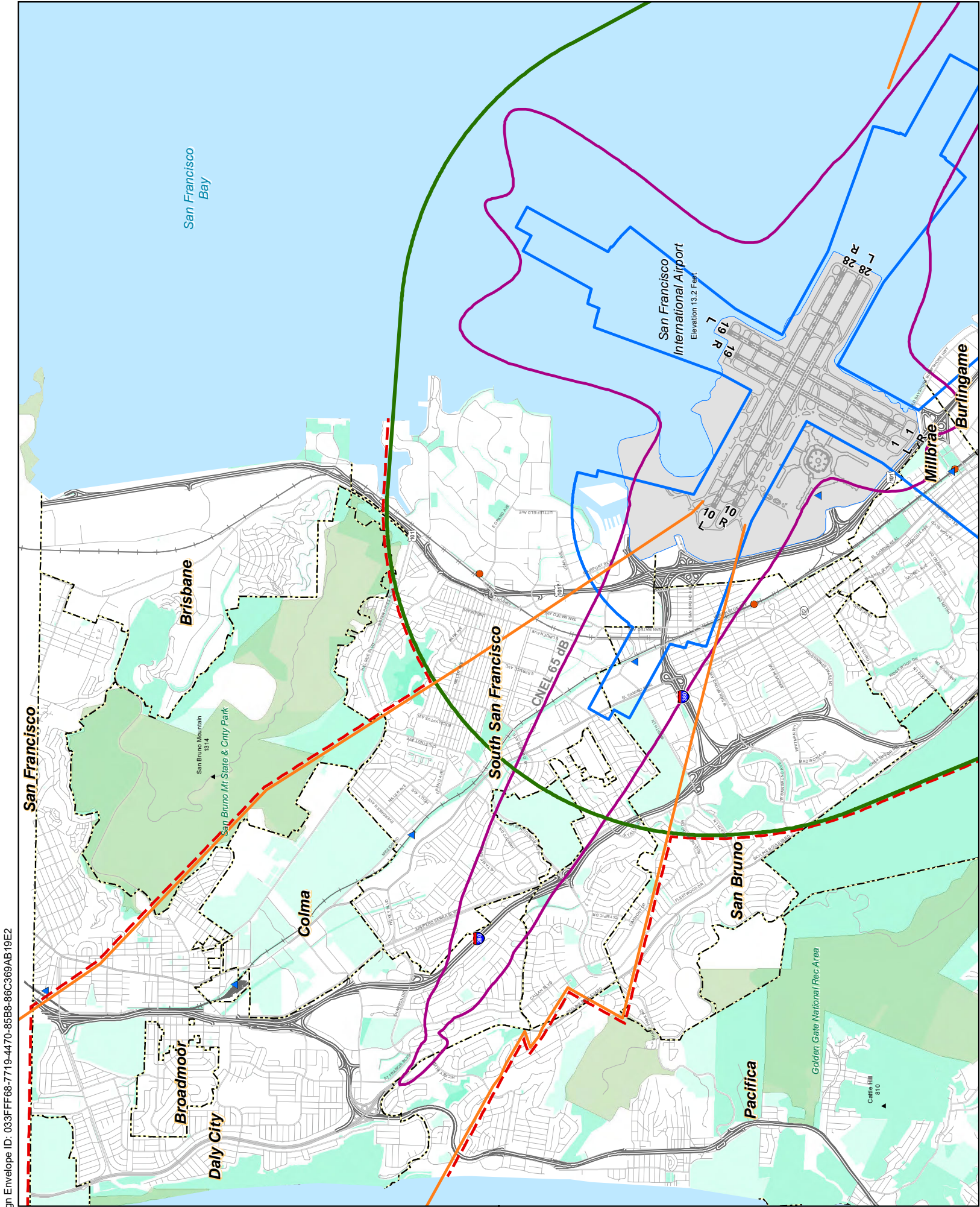


Exhibit IV-2  
**AIRPORT INFLUENCE AREA B --**  
**LAND USE POLICY ACTION/PROJECT REFERRAL AREA**  
Comprehensive Airport Land Use Plan  
for the Environs of San Francisco International Airport

**C/CAG**  
City/County Association of Governments  
of San Mateo County, California





LEGEND

- Boundary for Airport Influence Area B
- Outer Boundary of Safety Zones
- CNEL Contour, 2020 Forecast
- 14 CFR Part 77 Conical Surface
- Outer Boundary of TERPS Approach and
- OEI Departure Surfaces
- Airport Property
- BART Station
- CALTRAIN Station
- Municipal Boundary
- Railroad
- Freeway
- Road
- Local Park, Golf Course, Cemetery
- Regional Park or Recreation Area
- Open Space

Sources:

100:1 FAA Notification Zone: Ricondo & Associates, Inc. and Jacobs Consultancy, based on 14 CFR Part 77, Subpart B, Section 77.9.

Outer Boundary of TERPS Approach and OEI Departure Surfaces: San Francisco International Airport, Jacobs Consultancy, and Planning Technology Inc., 2009

Safety Compatibility Zones: Jacobs Consultancy Team, 2009; Ricondo & Associates, Inc., 2011

Noise Contour: URS Corporation and BridgeNet International. Draft Environmental Assessment, San Francisco International Airport Proposed Runway Safety Area Program, June 2011

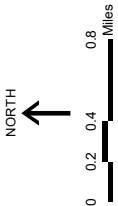


Exhibit IV-3  
**AIRPORT INFLUENCE AREA B -- NORTH SIDE**  
Comprehensive Airport Land Use Plan  
for the Environs of San Francisco International Airport  
**C/CAG**  
City/County Association of Governments  
of San Mateo County, California

## **IP-2 AIRPORT INFLUENCE AREA B – POLICY/PROJECT REFERRAL AREA**

Within Area B, the Airport Land Use Commission (the C/CAG Board) shall exercise its statutory duties to review proposed land use policy actions, including new general plans, specific plans, zoning ordinances, plan amendments and rezonings, and land development proposals. The real estate disclosure requirements in Area A also apply in Area B. For the purposes of this policy, parcels along the edge of the Area B Boundary that are split by the boundary shall be considered as fully being within Area B.

Portions of unincorporated San Mateo County and the following municipalities are located within Area B:

- Daly City – small part of the city in the Serramonte area
- Colma –the entire town
- Pacifica – north and northeast of the city
- South San Francisco – all but north and west sides of the city
- San Bruno – all but northwest corner of the city
- Millbrae – the entire city
- Burlingame – the entire city
- Hillsborough – the northern part of the town, north of Chateau Drive
- San Mateo – a few blocks in the City of San Mateo
- Foster City – the northern part of the City
- Unincorporated San Mateo County: California Golf Club, Country Club Park, Burlingame Hills, and San Francisco International Airport

The following special districts are located within Area B of the AIA:

- North San Mateo County Sanitation District
- Peninsula Health Care District
- San Mateo County Flood Control District
- San Mateo County Harbor District
- San Mateo County Mosquito & Vector Control District
- Westborough County Water District

The following school districts and community college district are located within Area B:

- Bayshore Elementary School District
- Brisbane Elementary School District
- Burlingame Elementary School District

- Hillsborough City Elementary School District
- Jefferson Elementary School District
- Jefferson Union High School District
- Millbrae Elementary School District
- Pacifica School District
- San Bruno Park Elementary School District
- San Mateo County Community College District
- San Mateo Foster City Elementary School District
- San Mateo Union High School District
- South San Francisco Elementary School District

## 4.3 Noise Compatibility Policies

The airport noise compatibility policies described in this section have a two-fold purpose:

1. To protect the public health, safety, and welfare by minimizing the exposure of residents and occupants of future noise-sensitive development to excessive noise.
2. To protect the public interest in providing for the orderly development of SFO by ensuring that new development in the Airport environs complies with all requirements necessary to ensure compatibility with aircraft noise in the area. The intent is to avoid the introduction of new incompatible land uses into the Airport's "noise impact area" so that the Airport will continue to be in compliance with the State Noise Standards for airports (California Code of Regulations, Title 21, Sections 5012 and 5014).<sup>3</sup>

The following noise compatibility policies (NP) shall apply to the ALUCP.

### NP-1 NOISE COMPATIBILITY ZONES

For the purposes of this ALUCP, the projected 2020 CNEL noise contour map from the Draft Environmental Assessment for the Proposed Runway Safety Area Program shall define the boundaries within which noise compatibility policies described in this Section shall apply.<sup>4</sup> **Exhibit IV-5** depicts the noise compatibility zones. More detail is provided on **Exhibit IV-6**. The zones are defined by the CNEL 65, 70 and 75 dB contours.

<sup>3</sup> In 2002, the San Mateo County Board of Supervisors declared that the Airport had eliminated its "noise impact area," as defined under state law -- California Code of Regulations, Title 21, Sections 5012 and 5014.

<sup>4</sup> URS Corporation and BridgeNet International. *Draft Environmental Assessment, Proposed Runway Safety Area Program, San Francisco International Airport*, June 2011.

and associated with human disease of varying severity.

- b. Biosafety Level 3 practices, safety equipment, and facility design and construction are applicable to clinical, diagnostic, teaching, research, or production facilities in which work is done with indigenous or exotic agents with a potential for respiratory transmission, and which may cause serious and potentially lethal infection.
- c. Biosafety Level 4 practices, safety equipment, and facility design and construction are applicable for work with dangerous and exotic agents that pose a high individual risk of life-threatening disease, which may be transmitted via the aerosol route and for which there is no available vaccine or therapy.

## 4.5 Airspace Protection

The compatibility of proposed land uses with respect to airspace protection shall be evaluated in accordance with the policies set forth in this section. These policies are established with a twofold purpose:

1. To protect the public health, safety, and welfare by minimizing the public's exposure to potential safety hazards that could be created through the construction of tall structures.
2. To protect the public interest in providing for the orderly development of SFO by ensuring that new development in the Airport environs avoids compromising the airspace in the Airport vicinity. This avoids the degradation in the safety, utility, efficiency, and air service capability of the Airport that could be caused by the attendant need to raise visibility minimums, increase minimum rates of climb, or cancel, restrict, or redesign flight procedures.

### 4.5.1 FEDERAL REGULATIONS REGARDING TALL STRUCTURES

14 Code of Federal Regulations (CFR) Part 77, *Safe, Efficient Use and Preservation of the Navigable Airspace*, governs the FAA's review of proposed construction exceeding certain height limits, defines airspace obstruction criteria, and provides for FAA aeronautical studies of proposed construction. **Appendix F** describes the FAA airspace review process and the extent of FAA authority related to airspace protection.

### 4.5.2 PART 77, SUBPART B, NOTIFICATION PROCESS

Federal regulations require any person proposing to build a new structure or alter an existing structure with a height that would exceed the elevations described in CFR Part 77, Subpart B, Section 77.9, to prepare an FAA Form 7460-1, *Notice of Proposed Construction or Alteration*, and submit the notice to the FAA. The regulations apply to buildings and other structures or portions of structures, such as mechanical equipment, flag poles, and other projections that may exceed the aforementioned elevations.



**Exhibit IV-10** depicts the approximate elevations at which the 14 CFR Part 77 notification requirements would be triggered; see **Exhibit IV-11** for a close-up view of the northern half and **Exhibit IV-12** for a close-up view of the southern half of the area. These exhibits are provided for informational purposes only. Official determinations of the areas and elevations within which the federal notification requirements apply are subject to the authority of the FAA. The FAA is empowered to require the filing of notices for proposed construction based on considerations other than height. For example, in some areas of complex airspace and high air traffic volumes, the FAA may be concerned about the potential for new construction of any height to interfere with electronic navigation aids. In these areas, the FAA will want to review all proposed construction projects.

The FAA has developed an on-line tool for project sponsors to use in determining whether they are required to file a Notice of Proposed Construction or Alteration. Sponsors of proposed projects are urged to refer to this website to determine whether they are required to file Form 7460-1 with the FAA:

<https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm>

#### 4.5.3 AIRSPACE MAPPING

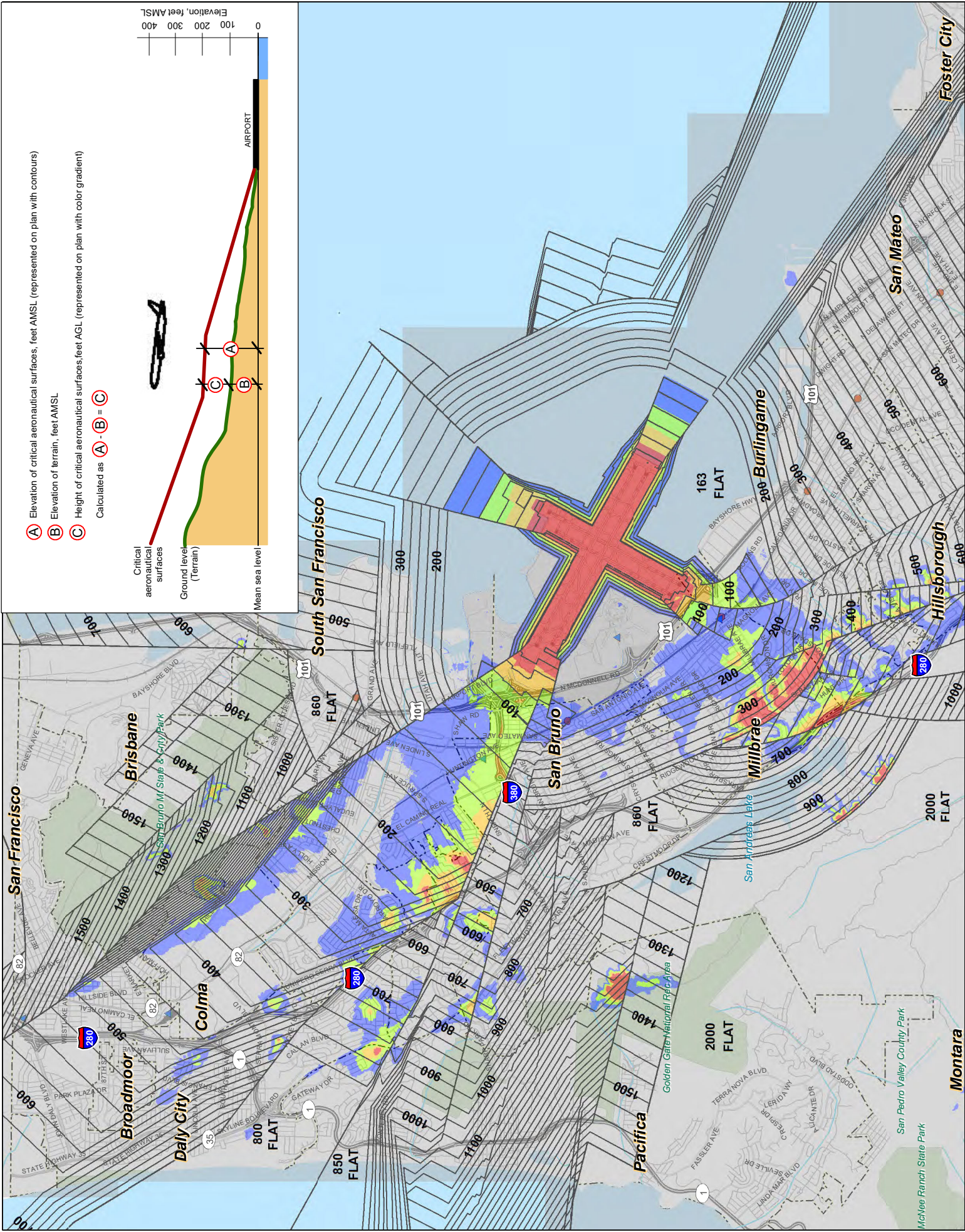
Part 77, Subpart C, establishes obstruction standards for the airspace around airports including approach zones, conical zones, transitional zones, and horizontal zones known as “imaginary surfaces.” **Exhibit IV-13** depicts the Part 77 Civil Airport Imaginary Surfaces at SFO. The imaginary surfaces rise from the primary surface, which is at ground level immediately around the runways. The surfaces rise gradually along the approach slopes associated with each runway end and somewhat more steeply off the sides of the runways. The FAA considers any objects penetrating these surfaces, whether buildings, trees or vehicles travelling on roads and railroads, as obstructions to air navigation. Obstructions may occur without compromising safe air navigation, but they must be marked, lighted, and noted on aeronautical publications to ensure that pilots can see and avoid them.

Close-up views of the north and south sides of the Part 77 surfaces are provided in **Exhibit IV-14** and **Exhibit IV-15**, respectively. Additionally, **Exhibit IV-16** provides an illustration of the outer approach and transitional surfaces located on the southeast side of the Part 77 surfaces.

Together with its tenant airlines, SFO has undertaken a mapping effort to illustrate the critical aeronautical surfaces that protect the airspace required for multiple types of flight procedures such as those typically factored into FAA aeronautical studies, as shown on **Exhibit IV-17** and **Exhibit IV-18**. These aeronautical surfaces include those established in accordance with FAA Order 8260.3B, *U.S. Standard for Terminal Instrument Procedures (TERPS)*, and a surface representing the airspace required for One-Engine Inoperative (OEI) departures from Runway 28L (to the west through the San Bruno Gap).<sup>16</sup> The exhibits depict the lowest elevations from the combination of the OEI procedure surface and all TERPS surfaces. The surfaces are defined with Required Obstacle Clearance (ROC) criteria to ensure safe separation of aircraft using the procedures from the underlying obstacles. Any proposed structures penetrating these surfaces are likely to receive Determinations of Hazard (DOH) from the FAA through the 7460-1 aeronautical study process. These surfaces indicate the maximum height at which structures can be considered compatible with Airport operations.

<sup>16</sup> See Appendix F, Section F.3.2 for a discussion of one-engine inoperative procedures.







**Exhibit IV-19**, which is provided for information purposes only, depicts a profile view of the lowest critical airspace surfaces along the extended centerline of Runway 10L-28R – the TERPS Obstacle Departure Procedure (ODP) surface, representing standard all-engines departures, and the approximate OEI surface developed by SFO through independent study in consultation with the airlines serving SFO. The exhibit also shows the terrain elevation beneath the airspace surfaces and various aircraft approach and departure profiles, based on varying operating assumptions. The exhibit illustrates a fundamental principle related to the design of airspace protection surfaces. The surfaces are always designed below the actual aircraft flight profile which they are designed to protect, thus providing a margin of safety. Note that the ODP climb profile is above the ODP airspace surface, and the OEI climb profile is above the OEI airspace surface.

#### 4.5.4 AIRSPACE PROTECTION POLICIES

The following airspace protection policies (AP) shall apply to the ALUCP.

##### **AP-1 COMPLIANCE WITH 14 CFR PART 77, SUBPART B, NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION**

###### **AP-1.1 Local Government Responsibility to Notify Project Sponsors**

Local governments should notify sponsors of proposed projects at the earliest opportunity 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 Exhibit IV-10. Under Federal law, it is the responsibility of the project sponsor to comply with all notification and other requirements described in 14 CFR Part 77. This requirement applies independent of this ALUCP.

###### **AP-1.2 FAA Aeronautical Study Findings Required Before Processing Development Application**

The sponsor of a proposed project that would exceed the FAA notification heights, as shown approximately on Exhibit IV-10, shall present to the local government permitting agency with his or her application for a development permit, a copy of the findings of the FAA's aeronautical study, or evidence demonstrating that he or she is exempt from having to file an FAA Form 7460-1. It is the responsibility of the local agency to consider the FAA determination study findings as part of its review and decision on the proposed project.

##### **AP-2 COMPLIANCE WITH FINDINGS OF FAA AERONAUTICAL STUDIES**

Project sponsors shall be required to comply with the findings of FAA aeronautical studies with respect to any recommended alterations in the building design and height and any recommended marking and lighting of their structures for their proposed projects to be deemed consistent with this ALUCP.

## AP-3 MAXIMUM COMPATIBLE BUILDING HEIGHT

In order to be deemed consistent with the ALUCP, the maximum height of a new building must be the lower of (1) the height shown on the SFO critical aeronautical surfaces map (Exhibits IV-17 and IV-18), or (2) the maximum height determined not to be a “hazard to air navigation” by the FAA in an aeronautical study prepared pursuant to the filing of Form 7460-1.

For the vast majority of parcels, the height limits established in local zoning ordinances are lower than the critical airspace surfaces. In those cases, the zoning district height regulations will control. Compliance with the zoning district height and the SFO critical aeronautical surfaces map, however, does not relieve the construction sponsor of the obligation to file a FAA Form 7460-1 *Notice of Proposed Construction or Alteration*, if required, and to comply with the determinations resulting from the FAA’s aeronautical study.

For a project to be consistent with this ALUCP, no local agency development permits shall be issued for any proposed structure that would penetrate the aeronautical surfaces shown on Exhibits IV-17 and IV-18 or the construction of which **has not** received a Determination of No Hazard from the FAA, or which would cause the FAA to increase the minimum visibility requirements for any instrument approach or departure procedure at the Airport.

## AP-4 OTHER FLIGHT HAZARDS ARE INCOMPATIBLE

Proposed land uses with characteristics that may cause visual, electronic, or wildlife hazards, particularly bird strike hazards, to aircraft taking off or landing at the Airport or in flight are incompatible in Area B of the Airport Influence Area. They may be permitted only if the uses are consistent with FAA rules and regulations. Proof of consistency with FAA rules and regulations and with any performance standards cited below must be provided to the Airport Land Use Commission (C/CAG Board) by the sponsor of the proposed land use action.

Specific characteristics that may create hazards to aircraft in flight and which are incompatible include:

- (a) Sources of glare, such as highly reflective buildings or building features, or bright lights, including search lights or laser displays, which would interfere with the vision of pilots making approaches to the Airport.
- (b) Distracting lights that that could be mistaken by pilots on approach to the Airport for airport identification lighting, runway edge lighting, runway end identification lighting, or runway approach lighting.
- (c) Sources of dust, smoke, or water vapor that may impair the vision of pilots making approaches to the Airport.
- (d) Sources of electrical interference with aircraft or air traffic control communications or navigation equipment, including radar.
- (e) Land uses that, as a regular byproduct of their operations, produce thermal plumes with the potential to rise high enough and at sufficient velocities to interfere with the control of aircraft in

flight. Upward velocities of 4.3 meters (14.1 feet) per second at altitudes above 200 feet above the ground shall be considered as potentially interfering with the control of aircraft in flight.<sup>17</sup>

(f) Any use that creates an increased attraction for wildlife, particularly large flocks of birds, that is inconsistent with FAA rules and regulations, including, but not limited to, FAA Order 5200.5A, *Waste Disposal Sites On or Near Airports*, FAA Advisory Circular 150/5200-33B, *Hazardous Wildlife Attractants On or Near Airports*, and any successor or replacement orders or advisory circulars. Exceptions to this policy are acceptable for wetlands or other environmental mitigation projects required by ordinance, statute, court order, or Record of Decision issued by a federal agency under the National Environmental Policy Act.

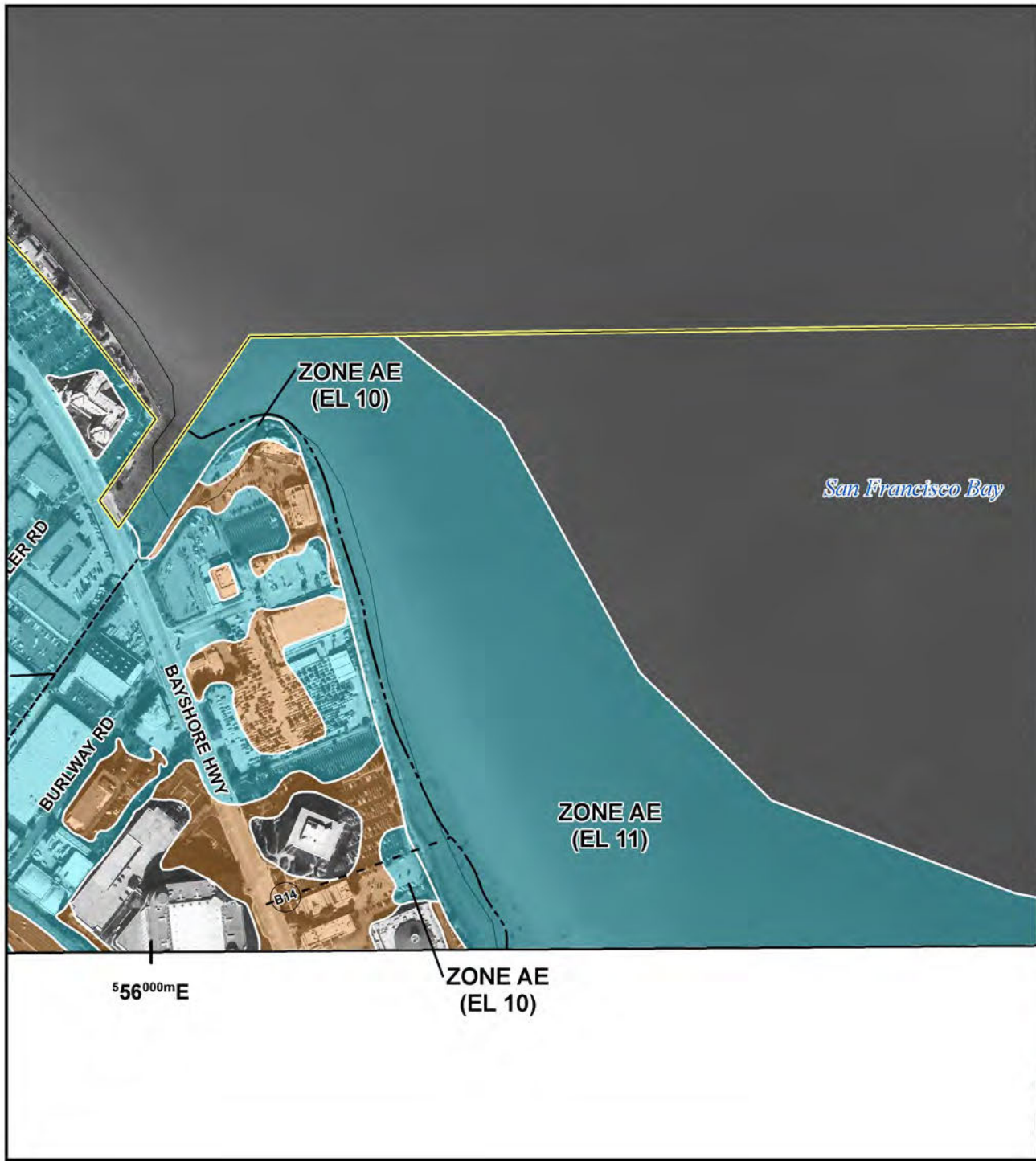
#### 4.5.5 iALP AIRSPACE TOOL

In consultation with C/CAG, SFO developed the iALP Airspace Tool, a web-based, interactive tool to evaluate the relationship of proposed buildings with the Airport's critical airspace surfaces. The iALP Airspace Tool is designed to assist planners, developers, and other interested persons with the implementation of the airspace protection policies of the SFO ALUCP. The tool helps users determine: (1) the maximum allowable building height at a given site, and/or (2) whether a building penetrates a critical airspace surface, and by how much, given the proposed building height.

A more detailed description of the iALP Airspace Tool and a tutorial explaining how to use it is presented in **Appendix J**. Use of this tool, however, does not relieve a project sponsor of the duty to comply with all federal regulations, including the obligation to file Form 7460-1, Notice of Proposed Construction or Alteration, with the FAA.

<sup>17</sup> This is a threshold established by the California Energy Commission in its review of power plant licensing applications. See *Blythe Solar Power Project: Supplemental Staff Assessment, Part 2*, CEC-700-2010-004-REV1-SUP-PT2, July 2010. California Energy Commission. Docket Number 09-AFC-6, p. 25. This criterion is based on guidance established by the Australian Government Civil Aviation Authority (Advisory Circular AC 139-05(0), June 2004). The FAA's Airport Obstructions Standards Committee (AOSC) is studying this matter but has not yet issued specific guidance.


Appendix FLD  
**FEMA Flood Maps for the  
Project Site Vicinity**



**SCALE**


Map Projection:  
Universal Transverse Mercator Zone 10N; North American Datum 1983; Vertical Datum: NAVD 88

1 inch = 500 feet



**National Flood Insurance Program**

**NATIONAL FLOOD INSURANCE PROGRAM**  
FLOOD INSURANCE RATE MAP  
**SAN MATEO COUNTY, CALIFORNIA**  
and Incorporated Areas  
PANEL 151 OF 510



**FEMA**

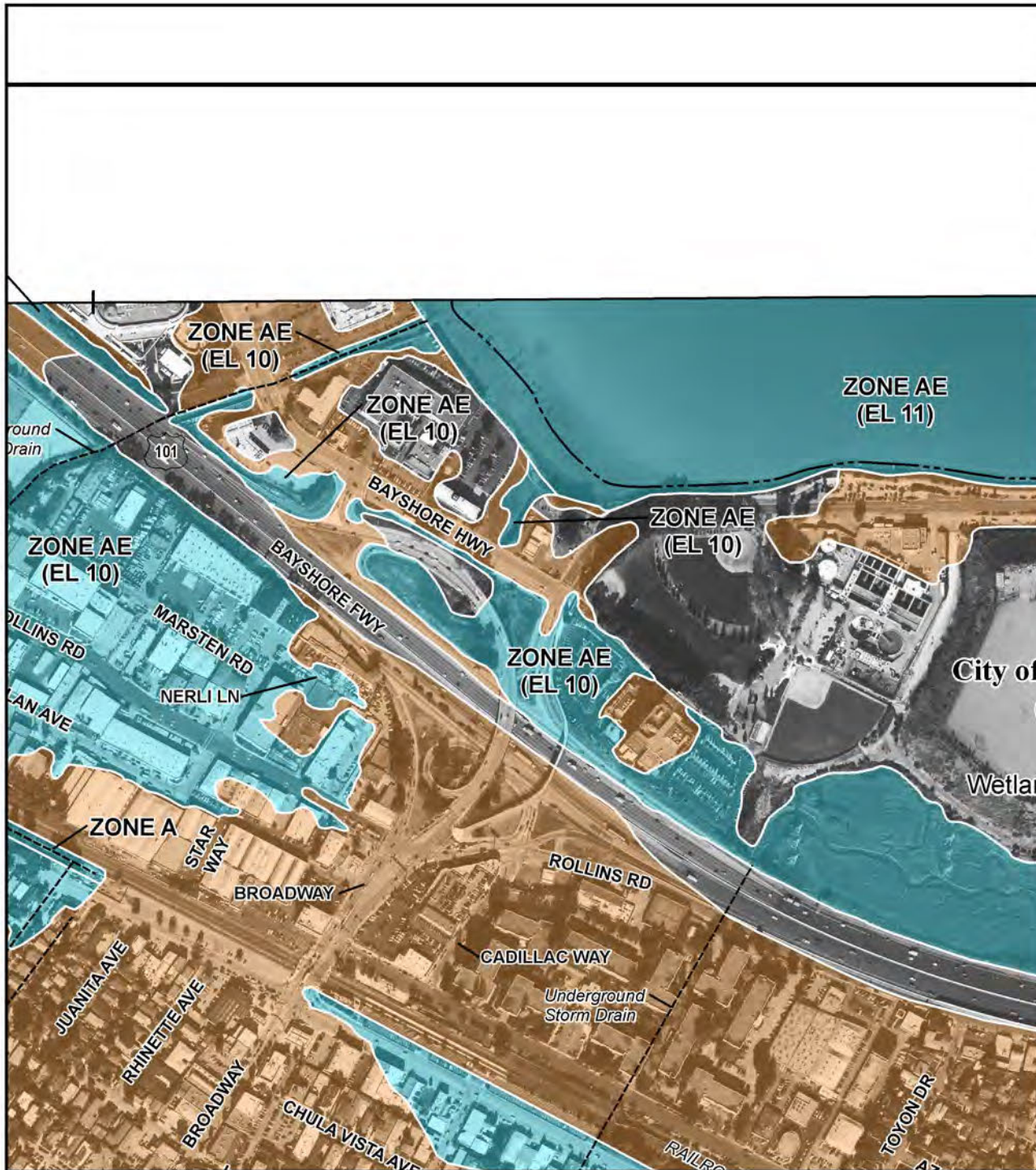
Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
BIRLINGAME, CITY OF	085019	0151	F
MILLBRAE, CITY OF	085045	0151	F
SAN MATEO COUNTY	060311	0151	F

**VERSION NUMBER**  
2.3.2.0  
**MAP NUMBER**  
06081C0151F

This is an official FIRMette showing a portion of the above-referenced flood map created from the MSC FIRMette Web tool. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For additional information about how to make sure the map is current, please see the Flood Hazard Mapping Updates Overview Fact Sheet available on the FEMA Flood Map Service Center home page at <https://msc.fema.gov>.





## SCALE



### Map Projection:

Universal Transverse Mercator Zone 10N; North American Datum: NAVD 88

1 inch = 500 feet

FEMA



National Flood Insurance Program

### NATIONAL FLOOD INSURANCE PROGRAM

#### FLOOD INSURANCE RATE MAP

SAN MATEO COUNTY,  
CALIFORNIA

and Incorporated Areas

PANEL 153 OF 510



FEMA

#### Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
BIRLINGAME, CITY OF	065019	0153	F
HILLSBOROUGH, TOWN OF	060320	0153	F
SAN MATEO, CITY OF	060328	0153	F

#### VERSION NUMBER

2.3.2.0

#### MAP NUMBER

06081C0153F

#### MAP REVISED

This is an official FIRMette showing a portion of the above-referenced flood map created from the MSC FIRMette Web tool. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For additional information about how to make sure the map is current, please see the Flood Hazard Mapping Updates Overview Fact Sheet available on the FEMA Flood Map Service Center home page at <https://msc.fema.gov>.