CITY OF BURLINGAME

PLANNING COMMISSION RESOLUTION 2026-__
APPROVING MAJOR DESIGN REVIEW AND A VARIANCE FOR PARKING TO CONSTRUCT A NEW, SINGLE-STORY EDUCATION BUILDING AND A PUBLIC NATURE AND RECREATION PARK AT 410 AIRPORT BOULEVARD
PROJECT NO. DSR21-0040

WHEREAS, the SPHERE Institute, in collaboration with the San Mateo Resource Conservation District (together, the "Applicant"), on behalf of the property owner, California State Lands Commission, submitted applications requesting approval of Major Design Review and a Variance for parking to develop a public nature and recreation park with restoration of tidal marsh habitat, an 8,564 square foot, single-story education center building, improved and realigned Bay Trail segments, walking paths, picnic and lawn areas, kayak and kitesurfing launch ramps, a water rescue equipment storage structure, and associated parking (herein "Project") on a 10.23 acre site in the Bayfront Commercial (BFC) zoning district, APNs: 026-363-600 and 026-363-610; and

WHEREAS, on February 14, 2022, the Planning Commission conducted a duly noticed public study session to review and comment on the Project and to identify subjects to be analyzed in the environmental review of the Project under the California Environmental Quality Act (CEQA); and

WHEREAS, on October 27, 2025, the Applicant submitted revised plans for the Project to address Planning Commission input provided at the February 14, 2022 study session; and

WHEREAS, an Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the Project and circulated for two 30-day public review periods, commencing on December 10, 2025, and February 20, 2026; and

WHEREAS, a Final IS/MND, consisting of the Responses to Comments, the Draft IS/MND, Draft IS/MND appendices, and the Mitigation Monitoring and Reporting Program, was prepared; and

WHEREAS, on August 10, 2026, the Planning Commission of the City of Burlingame, held a duly noticed public hearing at which time it reviewed and considered all information for and approved adoption of Mitigated Negative Declaration N-610-P for the Project under a separate Resolution; and

WHEREAS, on August 10, 2026, the Planning Commission of the City of Burlingame held a duly noticed public hearing at which time it reviewed and considered the August 10, 2026, staff report and all other written materials and testimony presented at said hearing; and

NOW, THEREFORE, the Planning Commission of the City of Burlingame does here by resolve, find, determine, and order as follows:

SECTION 1: The foregoing recitals are true, correct, and are incorporated herein as findings.

SECTION 2: City of Burlingame Municipal Code (BMC) authorizes the Planning Commission to grant Design Review and Variance approvals upon making certain findings. The Planning Commission finds the following:

MAJOR DESIGN REVIEW FINDINGS (BMC SECTION 25.68.050(G))

1. The project is consistent with the General Plan and is in compliance with all applicable provisions of this title, all applicable design guidelines, all other City ordinances and

*regulations, and most specifically, the standards established in subsections **B**, **C**, or **D** above, as applicable;*

The proposed Project is consistent with the General Plan and applicable provisions of Title 25. The Bayfront Commercial designation and BFC zoning district support publicly accessible recreation and access to and enjoyment of the Bay. The public nature and recreation park, education center, restored tidal-marsh habitat, Bay Trail improvements, and water-oriented recreation directly advance those objectives.

The proposed building complies with the Major Design Review considerations in BMC Section 25.68.050(D) and the BFC-specific design principles in BMC Section 25.12.060. The single-story building is proportional to the 10.23-acre site and is sited in a manner that highlights the natural setting of the wetlands park and maintains view corridors to the San Francisco Bay.

The asymmetrical massing and butterfly roof contribute to the area's architectural diversity, and the deep overhangs and surrounding pedestrian walkways create a transition between the education center and the outdoor park. Repeated timber columns, low-reflective exterior surfaces, varied natural textures, and bird-safe glass establish a cohesive architectural vocabulary that complements the shoreline setting. Extensive pedestrian circulation, including the paved and realigned Bay Trail, secondary paths, viewing areas, and direct connections among the street, building, wetlands, and shoreline, supports the BFC district's emphasis on interconnected open space and public waterfront access.

Landscaping for the site is designed to screen parking areas from street frontages and the berm along the Bay View Place frontage, screens the single-story building from the street frontage and addresses sea level rise concerns. The building entrance and walkways are readily identifiable from the public approach, and the design supports walking, bicycling, kayaking, kitesurfing, and other shoreline recreation.

2. *The project will be constructed on a parcel that is adequate in shape, size, topography, and other circumstances to accommodate the proposed development.*

   The Project will be constructed on two parcels totaling 10.23 acres that are adequate in shape, size, topography, and other circumstances to accommodate the proposed development as shown on the proposed plans.

3. *The project is designed and arranged to provide adequate consideration to ensure the public health, safety, and general welfare, and to prevent adverse effects on neighboring property.*

   The Project is designed and arranged to protect public health, safety, and general welfare and avoid adverse effects on neighboring property because the project complies with setback, lot coverage, floor area ratio, height, view corridor, landscaping, public-access, shoreline-buffer, and sea-level-rise requirements. Conditions of approval further address operations, security, event parking, noise, lighting, fire safety, and public improvements.

VARIANCE FOR PARKING FINDINGS (BMC SECTION 25.84.030)

A Variance for parking to allow 29 on-site automobile parking spaces plus three bus spaces where 75 automobile spaces are required for the education center assembly area.

1. *There are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to property in the same district.*

The 10.23-acre shoreline property is uniquely constrained and programed for restoration of tidal marsh and marsh-upland transition habitat, public shoreline access, Bay Trail improvements, and water-oriented recreation. Community open space generates no minimum parking requirement, but the approximately 4,450 square feet of gallery/assembly area within the education center generates a requirement of 75 spaces at one space per 60 square feet. Providing 75 on-site spaces would consume land intended for habitat restoration and public open space and is therefore inconsistent with the Project's shoreline setting and the City's and Project's public-access objectives.

2. *The granting of the application is necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship;*

   Strict application of the assembly-facility parking ratio set forth in the BMC would unreasonably constrain development of the permitted public park and recreation use and its integrated education center. The Project provides 29 automobile spaces and three bus spaces, and the parking analysis estimates a peak demand of approximately 31 spaces during normal park operations. Conditions require documented off-site overflow parking and valet service for special events, allowing reasonable use of the property while addressing episodic demand.

3. *The granting of the application will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare or convenience;*

   The variance will not be detrimental because the on-site supply is generally adequate for routine operations, as confirmed by the Parking Analysis by Hexagon Transportation, dated July 27, 2021. Moreover, the conditions of approval imposed on the Project require the Applicant to maintain applicable off-site parking agreements, implement valet and event-parking plans for special events, provide advance notice and security, preserve public access to the Bay Trail and park facilities during standard operating hours, and submit follow-up parking studies after occupancy.

4. *That the use of the property will be compatible with the aesthetics, mass, bulk and character of existing and potential uses of properties in the general vicinity.*

   The reduced parking supply is compatible with the Project's low-intensity, single-story shoreline design and open-space character. The Project provides substantial open space, public access to the Bay Trail and park facilities, limits paved circulation near the street with landscape screening and preserves approximately 80 percent of the Airport Boulevard view corridor.

SECTION 3: The Planning Commission of the City of Burlingame after conducting the public hearing **HEREBY APPROVES** DSR24-0001 for Major Design Review and a Variance for parking, subject to the following conditions:

CONDITIONS OF APPROVAL

Community Development Department

1. that the Project shall be built as shown on the plans submitted to the Planning Division and date stamped October 27, 2025;

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

3. that unless a building permit has been issued by a date no later than 24 months from the effective date, this permit shall be null and void pursuant to BMC Section 25.88.030.A. The Community Development Director may grant one 12-month extension of time, provided the initial 24-month period has not already expired, pursuant to BMC Section 25.88.030.C;

4. that any changes to the size or envelope of the building, which would include expanding the footprint or floor area of the structure, or changes to the architectural design, features, and materials of the building shall be subject to a Permit Amendment;

5. that the public education building and public nature and recreation park shall be owned, operated, and maintained by SPHERE Institute and the San Mateo Resource Conservation District, or a by a designee, in accordance with the following approved conditions of operation:

    - standard hours of operation for the educational center are 9 a.m. -5 p.m. daily; standard park hours are from dawn to dusk daily; special events shall have extended evening hours for the education center and the public nature and recreation park from Monday through Wednesday until 11:00 p.m. and Thursday through Sunday until 1:00 a.m.;

    - the maximum number of guests for any event, public or private, shall be 300 guests;

    - a minimum of one security staff will be on-site during standard hours of operation when the educational building is open to the public; special events with more than 75 guests are required to have two security staff on-site for the duration of the event;

    - the on-site parking lot entrance on Airport Boulevard will have a gate that will be closed during all non-operational hours.

6. that prior to issuance of a certificate of occupancy, the Applicant shall submit to the Community Development Director off-site parking agreement(s) with nearby private property owners to demonstrate off-site valet parking secured within 0.5 miles of the project site at a rate of one parking space for every 2.5 guests expected. The parking agreement(s) shall be in effect for as long as special events are held on the property;

7. that should the off-site parking agreement with SPHERE for special events during weekday evenings and on weekends at 500 Airport Boulevard be altered to include fewer than 130 valet parking spaces, should SPHERE no longer be responsible for Bay Rise Park operations, or should SPHERE change its center of operations from 500 Airport Boulevard, the Applicant shall be required to submit a Permit Amendment;

8. that any changes to the hours of operation, staffing, security measures, or number of special event guests, or off-site parking agreements listed in the conditions of approval shall be subject to a Permit Amendment;

9. that the Applicant shall submit a parking study to the Community Development Director two and five years after the certificate of occupancy is issued for the project that evaluates whether

the off-site parking agreement(s) approved with the application are sufficient for the special events operations. If the Community Development Director determines that the off-site parking does not adequately serve the special events, then the Applicant shall, in consultation with the Community Development Director, either secure additional parking agreement(s) to meet the rate of 1 space for every 2.5 guests, limit the number of guests to be commensurate with the available parking spaces, or apply for an Amendment of their permit to modify special event operations so that these events can be served by available parking;

10. that the future sale or transfer of lease agreement on the site is subject to real estate disclosure requirements of State law; that 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"

11. that the project shall comply with the Airspace Protection Policies of the ALUCP, including the following:

    - the project Applicant shall be required to file Form 7460-1, Notice of Proposed Construction or Alteration, with the Federal Aviation Administration (FAA) for any proposed new structure and/or alterations to existing structures (including ancillary antennae, mechanical equipment, and other appurtenances) that would exceed the FAA notification heights as depicted in ALUCP Exhibit IV-12. Any project that would exceed the FAA notification heights shall submit a copy of the findings of the FAA's aeronautical study, or evidence demonstrating exemption from having to file FAA Form 7460-1, as part of the development permit application;

    - the Applicant shall be required to demonstrate in a letter submitted to the Community Development Director prior to issuance of a building permit for any structures on the site that there are no proposed land use characteristics recognized as hazards to air navigation and, per SFO ALUCP Policy AP-4 and that would need to be evaluated to ensure compatibility with FAA rules and regulations. These characteristics include the following:
        - Sources of glare, such as highly reflective buildings, building features, or blight lights including search lights, or laser displays, which would interfere with the vision of pilots in command of an aircraft in flight.
        - Distracting lights that could be mistaken for airport identification lightings, runway edge lighting, runway end identification lighting, or runway approach lighting.
        - Sources of dust, smoke, water vapor, or steam that may impair the visibility of a pilot in command of an aircraft in flight.
        - Sources of electrical/electronic interference with aircraft communications/navigation equipment.
        - 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 Site On or Near Airports and FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants On or Near Airports, and any successor or replacement orders or advisory circulars.

12. that special events shall comply with Burlingame Municipal Code Chapter 10.40 (Radio Interference, Loudspeakers, Etc.). Any amplified noise or music shall be kept at a level so to not disturb the peace and quiet of the neighborhood and adjacent owners/businesses. All exterior doors shall remain closed to reduce impacts of any noise associated with the special events on adjacent owners/businesses. The base line for defining noise problems used on the site shall be the established City standard which includes: any noise which is five (5) decibels over the ambient noise level at the time of the event at property line; and the requirements of Chapter 10.40 of the Burlingame Municipal Code.

13. that prior to demolition or grading permit issuance, the Applicant shall provide evidence of approval of demolition or grading from the Bay Conservation and Development Commission (BCDC); the Applicant may apply for an at-risk demolition or at-risk grading permit for the demolition and removal of the existing structures and grading or earth moving on the site prior to providing evidence of approval from the Bay Conservation and Development Commission (BCDC);

14. that a separate sign permit in compliance with BMC Chapter 25.42 shall be approved prior to the installation of any exterior signage;

15. that a City Business License is required and shall be procured and maintained; and that the business license shall include contact information for the permittee, for the agent responsible for maintenance of the facilities, and for emergency contact;

16. that the Applicant is responsible for payment of Public Facilities Impact Fees pursuant to BMC Section 25.46.080, for payment of Commercial Linkage Fees BMC Section 25.44.040, and for payment of Residential Impact Fees pursuant to BMC Chapter 25.45.040;

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

18. that all construction shall abide by the construction hours in the City of Burlingame Municipal Code Section 18.07.010.and that the construction hours shall be printed on the first page of the plans;

19. that this Project shall comply with Ordinance No. 1477, Exterior Illumination Ordinance;

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

21. that the following requirements shall be met during the Building Inspection process prior to the inspections noted in each item:

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

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

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

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

22. that the plans submitted for a vertical building permit shall include:

i. List type of construction, occupancy group, and code analysis for proposed main building and all individual spaces. CBC Chapters 3, 5, & 6.

ii. a plan for complete means of plan for the building per CBC Chapter 10.

iii. fully dimensioned site plans.

iv. a complete underground plumbing plan including complete details for the location of all required grease traps and city-required backwater prevention devices.

v. details to show compliance with the minimum plumbing fixture requirements described in the 2019 California Plumbing Code, Chapter 4, Table 422.1 Minimum Plumbing Facilities and Table A - Occupant Load Factor.

vi. complete structural plans, details, notes, and structural calculations for the proposed work.

vii. complete MEP plans for the proposed work.

viii. notes, details, and specifications to show full compliance with CBC Chapter 11B for accessibility throughout the site and buildings.

ix. specify on the plans the location of all required accessible signage. Include references to separate sheets on the plans which provide details and graphically illustrates the accessible signage requirements.

x. an accessible path of travel from all required exits to the public right of way

xi. the path of travel from on-site parking through to the main entrance.

Public Works Department

23. that prior to the issuance of a building permit for vertical construction, the Applicant shall provide evidence of approval for all Bay Trail improvements from the Bay Conservation and Development Commission (BCDC) to the Public Works Department- Engineering Division;

24. that prior to submittal for a building permit for any structures on the site, the Applicant shall enter into a development and maintenance agreement with the City of Burlingame that shall be recorded by the Applicant with the San Mateo County Assessor and Recorder's Office, for all right-of way improvements and any improvements required on the State Lands-owned parcel at 60 Bay View place (APN: 026-363-510);

25. that the plans submitted for building permit shall demonstrate that all right-of-way improvements to accommodate the project, as well as improvements on the portion of Bay View Place that are on the State Lands Commission parcel, (i.e. mid-block crosswalk, RRFB's, parking spaces on Bay View Place, curb ramps, traffic signs, left-hand turn lane on Airport Boulevard, and exit driveway, etc.) are constructed to City Standards;

26. that prior to the issuance of a building permit for any structures on the site, the Applicant is required to apply for final approval to the Public Works- Engineering Division of parking spaces along Bay View Place; that approval will be based on the current municipal code at the time of building permit application or the Applicant must make application to revise the current municipal code with a separate request through the Public Works Traffic, Safety and Parking Commission to permit public parking where none currently exist ; parking restrictions for new parking spaces may be required; a resolution of parking in the public right-of-way on Bay View Place must occur prior to building permit issuance and the Applicant shall be responsible for all improvement costs associated with development of these parking spaces; final design of the improvements shall be reviewed by Public Works and modifications may be necessary at the time of building permit phase.

27. that title reports and lease agreements with the State Lands Commission are required to be submitted for all three State Lands-owned parcels associated with the Project; that resolution of any and all private easements that may impact the project circulation along Bay View Place will be required to be submitted to Public Works- Engineering Division prior to building permit issuance for any structures.

28. that the plans submitted for building permit for any construction on the site, including grading or demolition, shall include a property survey signed and stamped by a surveyor licensed in California shall be required as part of the plans submitted for building permit; that the survey shall show how the property lines are determined and that the property corners were set with surveyor's license numbers on durable monuments; that offset monuments must be placed on private property for the subject site; that during construction the property corners must be protected and maintained and in place for the final inspection; and that if any construction occurs on or over the property lines, the contractor is responsible for making corrections to the satisfaction of the City Inspector;

29. that the project is required to meet the OneShoreline requirements for sea level rise. A copy of the OneShorline approval and conditions are required prior to building permit issuance.

30. that based on the scope of work, this is a "Type IV" project that requires a Stormwater Construction Pollution Prevention Permit. This permit is required prior to issuance of a Building Permit. An initial field inspection is required prior to the start of any construction (on private property or in the public right-of-way).

31. that a stormwater maintenance agreement shall be recorded with the County for all c3 treatment measures. This agreement must be recorded prior to building permit signoff.

32. that an erosion control plan is required for this project. This plan shall include, but not limited to, delineation of area of work, show primary and secondary erosion control measures, protection of creek or storm drain inlets, perimeter controls, protections for construction access points, and sediment control measures.

33. A traffic, sewer, water, storm drain, and photometric study will be required for this project. Any impacts generated as the result of the project will be required to upsize or contribute its pro-rata share of the impact to upgrade the existing infrastructure.

34. Project will be assessed sewer and water capacity charges.

35. A construction management plan (CMP) will be required for this project.

36. Any project stormwater treatment measures that are proposed in the public right-of-way must be maintained by the Applicant/owner. A landscape maintenance agreement will be required.

37. A photometric study will be required to show that the surrounding public sidewalk as well as both side of the mid-block crosswalk maintain a minimum of 0.5FC. Areas of deficiencies will be required to install and or relocate existing streetlights.

38. that a Recology agreement for service the development is required prior to issuance of building permit for any structures on the site and that trash enclosures are required as well as on-site retrieval;

39. that the project will be modifying Airport Blvd medians with the removal of street trees to accommodate the Project entrance and replacement trees or an in-lieu fee will be required by the Parks Department; that final design of the modified medians shall be reviewed and approved by the Public Works – Engineering Division prior to issuance of building permits for any structures on the site;

40. that a public access easement (PAE) is required for the sidewalk widening along Airport Boulevard and that recordable separate instrument will be required prior to building permit final and will require a separate application and processing fee in the Public Works – Engineering Division.

41. that Public Works – Engineering Division encroachment permit is required to be submitted to and approved with applicable conditions, including a pass-through inspection account to monitor the project's construction, prior to the issuance of any building permit on the site, including permits for grading or demolition.

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

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

44. that any construction related recycling containers, debris boxes, dumpsters, equipment or material storage shall be placed on private property and not on the public right-of-way or public streets; during construction, fencing with a fabric screen or mesh shall be provided around the project site; and for off-site construction storage, pursuant to Burlingame Municipal Code Section 25.82.030, a Temporary Use Permit from the Planning Division shall be required for off-site contractor, construction, staging, or storage area(s);

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

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

    i. A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes;

    ii. Identification of haul routes for movement of construction vehicles that would minimize impacts on motor vehicular, bicycle and pedestrian traffic, circulation and safety, and specifically to minimize impacts to the greatest extent possible on streets in the project area;

    iii. Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures would occur;

    iv. Provisions for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the project Applicant; and

    v. Designation of a readily available contact person for construction activities who would be responsible for responding to any local complaints regarding traffic or parking. This coordinator would determine the cause of the complaint and, where necessary, would implement reasonable measures to correct the problem.

47. that if construction is done during the wet season (October 1 through April 30), that prior to October 1 the developer shall implement a winterization program / erosion control plan. This plan shall include, but not limited to, delineation of area of work, show primary and secondary erosion control measures, protection of creek or storm drain inlets, perimeter controls, protections for construction access points, and sediment control measures to minimize the potential for erosion and polluted runoff by inspecting, maintaining and cleaning all soil erosion and sediment control prior to, during, and immediately after each storm event; stabilizing disturbed soils throughout temporary or permanent seeding, mulching matting, or tarping; rocking unpaved vehicle access to limit dispersion of mud onto public right-of-way; covering/tarping stored construction materials, fuels and other chemicals;

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

49. that all nonstandard sidewalk details that are constructed in the public right-of-way will require a maintenance agreement with the City as responsibility will be borne the property owner;

50. that this project shall be required to underground its respective utilities to service the building as well as existing overhead utilities within the project frontage;

51. that domestic and fire backflow preventers shall be located just behind the property line;

52. that sewer backwater device must be installed behind the property line;

53. that all water lines connections to City water mains for services or fire line protection shall be installed per City standard procedures and material specifications. Contact the City of Burlingame Water Department for connection fees. If required, all fire services and services 2" and over shall be installed by builder. All underground fire service connections shall be submitted as separate Underground Fire Service permit for review and approval;

54. that a boundary survey must show how the property lines were determined and that the property corners are set with surveyor's license numbers on durable monuments. This survey before the building final. All property corners shall be maintained during construction or reestablished at the end of the project;

55. that an address assignment application shall be required for this project prior to occupancy;

56. that this Project shall be required to replace all curb, gutter, driveway, sidewalk, and curb ramp fronting site, plug all existing sanitary sewer lateral connections and install a new 6" lateral and wye to main, all water line connections to City water mains for services or fire line are to be installed per city standard procedures and specification, and any other underground utility works within City's right-of-way. (Please call-out these items to be removed and replaced on the site plan. All abandoned sewer lateral or water service shall be disconnected at the main and per City requirements). An encroachment permit shall be required for these items;

57. that a pre-construction and post-construction of the roadway surrounding the project shall be ray be required by the contractor due to construction activities;

58. that prior to City sewer and storm connections, CCTV is required of the line and any repairs shall be made along with the new connections. A post-construction CCTV is required prior to TCO or final occupancy;

59. that along with the required encroachment permit, this project shall have additional construction conditions and an established Public Works pass-through inspection account that is based on the construction schedule and current fee schedule rate;

60. that prior to issuance of a building permit, the Applicant shall prepare and submit to the Department of Public Works – Engineering Division a sanitary sewer analysis that assesses the impact of this project to determine if the additional sewage flows can be accommodated by the existing sewer line. If the analysis results in a determination that the existing sewer line requires upgrading, the Applicant shall perform the necessary upgrades as determined by the Engineering Division;

61. that sewer and water capacity (system buy-in) fees will be assessed for this project;

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

63. that Project approvals shall be conditioned upon installation of an emergency generator to power the sump pump system; and the sump pump shall be redundant in all mechanical and electrical aspects (i.e., dual pumps, controls, level sensors, etc.). Emergency generators shall be housed so that they meet the City's noise requirement;

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

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

66. that the Applicant shall comply with Ordinance 1503, the City of Burlingame Storm Water Management and Discharge Control Ordinance; Based on the scope of work, this is a "Type III" project that requires a Stormwater Construction Pollution Prevention Permit. This permit shall be required prior to issuance of a Building Permit. An initial field inspection is required prior to the start of any construction (on private property or in the public right-of-way);

67. that prior to building permit signoff a stormwater maintenance agreement shall be recorded with the County for all c3 treatment measures;

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

69. that the plans submitted for building permit for any structures on the site shall be revised to show in the stormwater control plan and treatment measure table that each DMA drains to one, and only one, treatment measure; and that if multiple DMAs are draining to the same treatment measure, combine the DMAs into one DMA (each DMA can be non-contiguous, but must be clearly labeled and/or color coded);

70. that the plans submitted for building permit for any structures on the site shall include a signed the "C.3/C.6 Development Review Checklist", updated with any new DMA and TCM names available at Stormwater Requirements for New Development Projects | Burlingame, CA;

71. that the plans submitted for building permit for any structures on the site shall demonstrate that if using a rainwater harvesting cistern as an LID treatment measure, the Applicant shall clearly calculate the portion of the C.3.d amount of runoff that the cistern will capture and feasibly use; and that confirmation that proposed cisterns are intended as LID treatment for any portion of the C.3.d amount of runoff is required, per SMCWPPP C.3 Regulated Projects Guide Chapter 6.9 and Appendix I;

72. that the plans submitted for building permit for any structures on the site shall show compliance with Municipal Stormwater Permit requirements that projects on lands greater than 10,000 sf that are plumbed directly to the City's storm drain system must be equipped with full trash capture systems or are managed with trash discharge control actions equivalent to or better than full trash capture systems;

73. that prior to scheduling a final inspection, a completed, notarized Stormwater Treatment Measure Maintenance Agreement must be submitted to the Public Works- Engineering Division;

74. that plans submitted for building permit for any structures on the site shall demonstrate that post-construction treatment measures must be designed, installed, and hydraulically-sized to treat a specified amount of runoff and shall and maintenance party responsible for the ongoing inspection and maintenance of the post-construction stormwater treatment measures in perpetuity;

75. plans submitted for building permit for any construction on the site shall, including grading, shall include an erosion control plan to show the delineation of area of work, primary and secondary erosion control measures, protection storm drain inlets, perimeter controls, protections for construction access points, and sediment control measures;

76. plans submitted for building permit for any structures on the site shall include the Construction BMP plan sheet. An electronic file is available at: www.burlingame.org/stormwaterdevelopment; and that this project shall prevent stormwater pollution from construction-related activities; and that the Applicant shall ensure that all contractors implement appropriate and effective Best Management Practices (BMPs) during all phases of construction, including demolition;

77. plans submitted for building permit for any construction on the site shall, including grading, must demonstrate coverage under the Construction General Permit from the State Water Resources Control Board; and that the plans must show:

    - the project's WDID #;
    - a copy of the **Notice of Intent (NOI) for Construction General Permit** coverage; and
    - a copy of the **Stormwater Pollution Prevention Plan (SWPPP)** prepared by a certified Qualified SWPPP Developer (QSD).

78. that plans submitted for building permit for any construction on the site shall, including grading, must show construction details for the bioretention area and self-retaining area, including that per C.3 Regulated Projects Guide, all self-retaining areas need to be designed as concave areas that are bermed or ditched to retain the first one inch of rainfall without producing any runoff. Please show construction details for self-retaining area that is consistent with C.3 Regulated Projects Guide;

79. plans submitted for building permit for any structures on the site shall demonstrate that for buildings with a new roof, no architectural copper will be used or insert the applicable BMPs into the building plans. Required Best Management Practices (BMPs) apply to all construction projects utilizing architectural copper, as detailed in the "Requirements for Architectural Copper" fact sheet available at Stormwater Requirements for New Development Projects | Burlingame, CA;

Parks and Recreation Department

80. that a Protected Tree Removal Permit shall be required from the City of Burlingame Parks Division to remove any existing protected size trees on the subject property and a Tree Work Plan permit shall be required to remove any City Street Trees from the public right-of-way, as detailed in the HT Harvey & Associates Arborist Report, date stamped May 2, 2024;

81. that no new trees are to be planted in the public right of way; and that prior to building permit issuance for any structures on the site, a maintenance agreement is required to be submitted to the Parks and Recreation Department- Parks Division, to show that this will remain a private

park open to the public and that the City of Burlingame is not responsible for any park maintenance;

82. that the plans submitted for building permit for any structures on the site shall include complete landscape and irrigation plans and WELO form; and street tree protection measures approved by the City Arborist will be shown on the plans;

83. that that plans submitted for building permit for any structures on site shall include an updated Arborist Report that evaluates the feasibility of retaining the Protected size tree at 60 Bay View Place; if this tree cannot be retained, a Protected Tree Removal Permit is required from the City of Burlingame Parks Division along with replacement trees as specified by the City Arborist;

84. prior to the issuance of a building permit for any type of construction, including grading and demolition, tree protection measures meeting City requirements are required to be in place and to be verified by City Arborist inspection;

85. that the landscape plans submitted with the building permit shall include a detail to show that all new trees are to be planted, staked and irrigated as per City Standard Details unless otherwise approved by the City Arborist.

86. that changes to the approved landscape plan after Building Permit issuance shall be submitted for review by the Parks Division prior to final inspection;

Central County Fire Department

87. that plans submitted for building permit for any structures on site shall include alternate means of protection approval letter to be as part of the building plans and on the fire sprinkler plans; per the approved AMP, the fire sprinkler system must be upgraded to ordinary hazard level;

88. that plans submitted for building permit for any structures on site shall include the following information for Fire access roads, subject to approval by the CCFD:

    a. Shows all fire access roads, minimum 20’ clear width & 13’6” clear height;
    b. Detail road slopes, maximum 16% throughout except first/last 15’ is maximum 5%; Landscaping not allowed to extend into the minimum road clearances;
    c. All fire access roads shall support a minimum of 65,000lbs;
    d. Fire access roads in excess of 150’ long require a fire apparatus turnaround based on CCFD ladder truck turning specifications- see specifications on CCFD website; and
    e. bollards on fire access roads to be removable.

89. that recreational public water access shall be prohibited until emergency water access ramp and support structure has been completed and approved by the CCFD and that the Applicant shall be responsible for enforcing this requirement;

90. that a separate permit for the sprinkler permit for any structures on site is required to be submitted and approved by the CCFD prior to installation; that the fire sprinkler system and fire standpipe system will not be approved by the CCFD until the fire protection underground has been submitted and approved by the Burlingame Building Department; and that plans submitted for the fire sprinkler systems shall comply with the following requirements:

    a. shall be equipped with an approved NFPA 13 sprinkler system; and
    b. shall be electronically monitored by an approved central receiving station.

91. The Applicant shall ensure proper drainage in accordance with the City of Burlingame Engineering Standards is available for the fire sprinkler main drain and inspector test on the building plumbing drawings; these items may drain directly to landscape or in the sewer with an air gap;

92. that prior to approval of the aboveground fire sprinkler permit through CCFD, the Applicant shall submit and have approval for a permit for a fire protection underground water line with the to the he Burlingame Building Department;

93. that plans submitted for building permit for any structures on site shall include manual and automatic UL listed fire alarm system shall be installed throughout the building; fire alarm system shop drawings shall be submitted for review and approval by the CCFD prior to installation; and that fire alarm system shall include monitoring of the fire protection system and include monitoring of any fixed suppression systems (i.e. hood and duct extinguishing system);

94. that a separate permit for the emergency radio communication capability throughout the building is required to be submitted and approved by the CCFD prior to installation; that if building construction/layout cannot accommodate required radio communication strength, an emergency responder radio coverage system is required throughout the building; and that for the communication permit, riser wiring survivability rating shall be the same as interior wall ratings, infrastructure should be designed for this rated shaft; and alternates for this requirement will not be approved later in lieu of the rated shaft;

95. that plans submitted for building permit for any structures on site shall include Phase I & II elevator recall for firefighter emergency operation;

96. that plans submitted for building permit for any structures on site shall include the following required information for elevators:

    - Elevator shunt trip (causing loss of power) and sprinkler head at top of elevator shaft and in machine room are not allowed;
    - Elevator machine room must be constructed of the same rating as the elevator shaft and
    - Elevator car shall be sized to accommodate an ambulance stretcher of 24” x 84”.

97. that plans submitted for building permit for any structures on site must include a Knox key box for emergency Fire Dept. access; and that electronic gates across fire access roads shall have a Knox key switch connected to the gate;

98. that plans submitted for building permit for any structures on site shall include a fire safety plan that complies the following:

    - Comments addressing fire safety during construction and demolition shall be added to the building plan submittal as standard comments;
      - A note specifying that it is the Owner’s Responsibility for Fire Protection (per Code Section 3303.1); and the owner or owner’s authorized agent shall be responsible for the development, implementation and maintenance of an approved Site Safety Plan establishing a fire prevention program at the project site applicable throughout all phases of the construction, repair, alteration, or demolition work;
      - Name and contact information of site safety director;
      - Documentation of the training of the site safety director and fire watch personnel;
      - Procedures for reporting emergencies;.

- Fire department vehicle access routes;
- Location of fire protection equipment, including portable fire extinguishers, standpipes, fire department connections and fire hydrants;
- Smoking and cooking policies, designated areas to be used where approved, and signage locations in accordance with Section 3305.8;
- Location and safety considerations for temporary heating equipment;
- Hot work location plan;
- Plans for control of combustible waste material;
- Locations and method for storage and use of flammable and combustible liquids and other hazardous materials;
- Provisions for site security;
- Changes that affect this plan;
- Other site-specific information is required by the fire code official.

Mitigation Measures from the IS/MND

Air Quality

MM AQ-1**: **BAAQMD Basic Best Management Practices for Construction Related Fugitive Dust Emissions:

The Project Sponsor shall require its contractor(s), as a condition of contracts (e.g., standard specifications), to reduce construction-related fugitive dust emissions by implementing the following modified Bay Area Air Quality Management District basic best management practices.

- *All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered three times per day.*
- *All haul trucks transporting soil, sand, or other loose material off-site shall be covered.*
- *All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.*
- *All vehicle speeds on unpaved roads shall be limited to 15 mph.*
- *All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.*
- *All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.*
- *All trucks and equipment, including their tires, shall be washed off prior to leaving the site.*
- *Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.*
- *Publicly visible signs shall be posted with the telephone number and name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's General Air Pollution Complaints number shall also be visible to ensure compliance with applicable regulations.*

The Project Sponsor shall submit evidence of compliance to the City prior to grading permit issuance.

Biological Resources

MM BIO-1: Environmental Resources Worker Awareness Training

All field management and construction personnel shall be trained by a qualified biologist experience in construction monitoring on the importance of protecting sensitive natural resources (e.g., special-status fish, birds, and marine mammals and designated critical and/or suitable habitats for these species, including EFH) prior to any ground-disturbing activity. Preconstruction training shall be conducted so that construction personnel are aware of their responsibilities and the importance of compliance. All trainees shall be required to sign a sheet, indicating their attendance and completion of environmental training. Construction personnel shall be educated on the types of sensitive resources in the Project area and the measures required to avoid and minimize impacts on these resources. Materials covered in the training program shall include environmental rules and regulations, as well as specific site requirements to limit activities to approved work areas; timing restrictions; and avoidance of sensitive resource areas. In general, the training shall include the following components:

- A review of the special-status birds, fish, and marine mammals and sensitive habitats that could be found in work areas, including known nests or bat roosts, if present.
    - Measures to avoid or minimize impacts on special-status birds, bats, fish, and marine mammals, their habitats, and EFH.

- A review of all conditions, requirements of environmental permits, reports, and plans (e.g., USACE permits).
    - Consequences for violations of the laws and regulations protecting resources.

- Boundaries of the work area.
    - Exclusion and construction fencing methods and staking methods to protect resources.

- Roles and responsibilities, including an explanation regarding the authority of biological monitors to stop work, as required by permits and/or Project approvals.
    - What to do when special-status fish or wildlife, or plants, are encountered (including dead, injured, stressed, or entrapped individuals) in work areas.

MM BIO-2: Minimize Impacts on Western Red Bat

Prior to tree trimming or removal, the Project proponent shall retain a qualified biologist to conduct pre-construction surveys for western red bat. Prior to initiating tree trimming or removal, a qualified biologist shall examine the trees to be removed or trimmed to identify suitable bat roosting habitat. Because of the limited timeframe for tree removal for bats (September 15 to October 31), the tree habitat assessment should be conducted early enough to provide information to inform tree removal planning. The biologists shall identify high-quality habitat features (e.g., large tree cavities, basal hollows, loose or peeling bark, larger snags), and the area around these features shall be searched for bats and indications of bat use. If the tree can be adequately assessed and no habitat for roosting bats is present, no further actions are necessary and tree removal or trimming may commence. Because signs of bat use are not easily found, and trees cannot be completely surveyed for bat roosts, the Project proponent shall implement protective measures for trees containing potential roosting habitat. Trimming and removal of trees with suitable roosting habitat shall be conducted between September 15 and October 31, which corresponds to a time period when bats would not be likely to have entered winter hibernation and would not be caring for flightless young. The trimming and removal of trees shall be monitored by a qualified biologist. Trees shall be removed in pieces

rather than felling the entire tree. If weather conditions remain conducive to regular bat activity beyond October 31, later tree removal may be considered in consultation with CDFW.

MM BIO-3: Seasonal Restrictions

In-water work shall be avoided during the seasonal period when juvenile salmonids are moving through the estuary on their way to the ocean or when groundfish and prey species could be directly affected. Because steelhead are potentially present, in-water work shall be conducted between June 1 and November 30, based on the standard work windows for steelhead and Pacific herring. All in-water construction, including installation of turbidity curtains, sheet piles/coffer dams, and steel pipe piles, shall occur during this window. Construction will be limited to daylight hours only. If completion of in-water work within this period is not feasible due to scheduling issues, new timing guidelines shall be established and submitted to NMFS and CDFW for review and approval.

MM BIO-4: Fish Exclusion at Turbidity Curtain Sites

Fish shall be excluded from the work area prior to in-water work. Construction of the water rescue/kayak ramp, kitesurfing ramp, and tidal inlet will be initiated at low tide. Prior to initiating work, qualified biologists shall use a block net to encourage fish to leave the work area. The net will be moved from the shore and out and away from the work area. Once fish have moved out of the area, the turbidity curtains will be installed around the work area. The turbidity curtains will be removed after sediments have settled and the work is completed. Relocation of fish is not anticipated and will not be required for in-water construction activities.

MM BIO-5: Avoid and Minimize Adverse Effects on Special-Status Fish Species from Coffer Dams

The following restrictions shall be implemented during installation of the coffer dams and coffer dam dewatering.

- Sheet piles used for coffer dams shall be installed and removed using a vibratory pile driver.
  - Coffer dams shall be installed and removed only during the approved in-water work window (between June 1 and November 30, pending resource agency approval).

- All pumps used during dewatering of coffer dams shall be screened according to CDFW and NMFS guidelines for pumps.

MM BIO-6: Biological Monitoring for In-Water Work

A qualified biologist shall monitor construction of all in-water work along the Bay shoreline to ensure that no fish are remaining in the work area and that no marine mammals or fish move into the work area. If fish or marine mammals are observed within the work area, the monitor shall direct the contractor to wait until the animals leave the area or pause work if animals move into the area.

MM BIO-7: Erosion and Sedimentation Control

During construction, the Project shall employ standard construction BMPs to treat and minimize runoff. The Project shall also obtain 401 water quality certification from the RWQCB, which may contain additional measures to ensure protection of water quality.

Construction BMPs shall be reviewed and coordinated with RWQCB, as necessary, for implementation during work and may include, but are not limited to, the following:

- For impacts on tidal habitats:
  - Install temporary sediment turbidity curtains around the worksite to minimize sediment transport.
    1. To the extent practicable, work only during periods of slack tide (minimal current) and low wind to minimize transport of sediment-laden water.
  - All dewatering systems and discharge protocols shall be reviewed and pre-approved to comply with regulatory standards prior to operation on-site.

- Sediment mitigation measures shall be in place prior to the onset of Project construction and shall be monitored and maintained until construction activities have been completed. Temporary stockpiling of excavated or imported material shall occur only in approved construction staging areas. Excess excavated soil shall be disposed of at a regional landfill or at another approved and/or properly permitted location. Stockpiles that are to remain on the site throughout the wet season shall be protected to prevent erosion.
  - No litter, debris, or sediment shall be dumped into storm drains. Daily trash and debris removal shall occur at the site.

- Equipment staging and parking of vehicles shall occur on established access roads and flat surfaces.
  - The integrity and effectiveness of construction fencing and erosion control measures shall be inspected on a daily basis. Corrective actions and repairs shall be carried out immediately for fence breaches and ineffective BMPs.

- Fueling, washing, and maintenance of vehicles shall occur in developed habitat, away from San Francisco Bay and Sanchez Creek. Equipment shall be regularly maintained to avoid fluid leaks. Any leaks shall be captured in containers until equipment is moved to a repair location. Hazardous materials shall be stored only within developed habitat. Containment and cleanup plans shall be prepared and put in place for immediate cleanup of fluid or hazardous materials.
  - At no time shall sediment-laden water be allowed to enter San Francisco Bay and Sanchez Creek.

- All litter and construction debris shall be disposed of off-site in accordance with State and local regulations. All trash and debris within the work area shall be placed in containers with secure lids before the end of work each day in order to reduce the likelihood of predators being attracted to the site by discarded food wrappers and other rubbish that may be left on-site. If containers meeting these criteria are not available, all rubbish shall be removed from the Project site at the end of each work day.
  - Absorbent materials designated for spill containment and clean-up activities shall be available on-site for use with an accidental spill.

- Upon completion of in-water work activities, any turbidity curtains shall be removed in a manner that allows flows to resume with the least disturbance to the substrate.

MM BIO-8: Noise Impact Minimization

To minimize impacts on fish and marine mammals, the Project Applicant shall implement the following measures to reduce the magnitude of pressure waves generated by pile driving:

1. All pile driving shall be conducted between June 1 and November 30 and limited to no more than 12 hours in any single day.

2. To the extent feasible, all piles shall be installed with a vibratory pile driver.

3. An impact pile driver shall be used only when necessary to complete installation of piles, in accordance with seismic safety or engineering criteria.

4. If an impact pile driver is used, it shall be cushioned using a 12-inch-thick wood block, which will reduce noise levels by 4 to 5 dB.

5. Bubble curtains shall be used during any impact pile driving in water. The bubble curtain may reduce the noise levels by up to 15 dB; however, a more conservative estimate of 5 dB of sound attenuation will be used for any hydroacoustic analyses throughout the permitting process. The bubble curtain shall be operated in a manner consistent with the following performance standards:
    a. The bubble curtain shall distribute air bubbles around 100 percent of the piling perimeter for the full depth of the water column.
    b. The lowest bubble ring shall be in contact with the mudline for the full circumference of the ring, and the weights attached to the bottom ring shall ensure 100 percent mudline contact. No parts of the ring or other objects shall prevent full mudline contact.
    c. Air flow to the bubblers must be balanced around the circumference of the pile.

6. A “soft start” technique shall be employed if an impact pile driver shall be used on any piles (on land or in water). The first few taps of the hammer on the piling should deter fish and marine mammals away from the pilings before full impact strength is applied, reducing the potential for fish and marine mammals to be present and exposed to potential injury during full hammer strikes. This technique shall be used upon initiation of pile driving or when there is a downtime of 30 minutes or more without pile driving.

7. Pile driving shall occur only during daylight hours and will be performed at low tide and within the coffer dam/sheet pile-isolated work area.

8. A hydroacoustic monitoring plan shall be developed prior to and implemented during pile driving activities to ascertain compliance with established objectives (e.g., distances to cumulative noise thresholds) and identify corrective actions to be taken should the predicted threshold distances be exceeded. Hydroacoustic monitoring shall be conducted at 10 m from all pile driving if an impact hammed is used to set the pilings. Impact hammer pile driving shall be limited to no more than 12 hours daily to provide a 12-hour rest period between impact pile driving events. To minimize the potential for injury to marine mammals, the following measures shall additionally be implemented:
    a. If threshold noise levels are recorded during pile driving, a shutdown zone equal to the distance at which injury threshold sound levels were recorded shall be established around each pile.
    b. A qualified biological monitor shall visually scan the Project site and surrounding waters for the presence of marine mammals at least 30 minutes before and continuously throughout periods of impact pile driving. If any marine mammal is sighted in the shutdown zone before pile driving begins, the contractor (or other

authorized individual) shall delay pile-driving activities until the animal has moved outside the shutdown zone or the animal is not resighted (within 15 minutes for pinnipeds or 30 minutes for certaceans).

c. If any marine mammal is about to enter or is observed in the shutdown zone during pile driving, the pile-driving activities shall be shut down until the animal has moved outside the shutdown zone or the animal is not resighted (within 15 minutes for pinnipeds or 30 minutes for cetaceans).

9. A biological monitor or team shall be present during all pile driving to observe the work area before, during, and after pile driving. The monitor(s) shall staff the hydroacoustic monitoring equipment and record marine mammal use within the action area. The monitor(s) shall also be responsible for ensuring that all pile driving work is conducted according to permit terms and conditions. In addition, contractors shall consult with the biological monitor(s) to ensure that any changes to means and methods are in compliance with permit conditions related to the protection of estuarine resources.

10. A debris containment structure (i.e., floating boom) shall be installed outside of the pile driving area to ensure that any floating debris that enters the water will be contained for later collection and disposal.

11. A full complement of oil spill clean-up equipment shall be on-site and available for immediate deployment should there be an accidental discharge of fuel, lubricant, or hydraulic oils.

MM BIO-9: Pre-Construction Surveys for Eelgrass and Translocation or Compensatory Mitigation if Necessary

Prior to onset of any in-water construction activities, and within 60 days of construction initiation, an eelgrass survey shall be conducted within the same buffer of the Project boundary previously surveyed and described in Appendix C of the biological resources report (Appendix B). As per the CEMP, the survey area shall be scaled as appropriate to the size of the potential action and the potential extent and distribution of eelgrass impacts, including both direct and indirect effects. The survey shall be conducted according to the methods contained in the CEMP. If eelgrass beds are absent within the area surveyed, then no further mitigation shall be required. If eelgrass is found within the surveyed area, then a qualified biologist shall determine (in coordination with NMFS and CDFW) whether the eelgrass bed is likely to be affected to the point that relocation or compensatory mitigation is necessary. That determination shall be based on distance between the eelgrass and the work area, tidal current patterns, water depth, and other factors that may influence whether increased turbidity or sediment mobilization could affect the eelgrass. If eelgrass shall be affected to the point that translocation is appropriate, any translocation of eelgrass beds shall be conducted consistent with the methods described in the CEMP and/or those described in Eelgrass Conservation in San Francisco Bay: Opportunities and Constraints. If it is determined that eelgrass shall be affected but it is not possible to translocate eelgrass beds, then the Project applicant shall provide compensatory mitigation consistent with the CEMP for eelgrass. As per the CEMP, multiple compensatory mitigation options are possible, but in this case, the most appropriate would be in-kind mitigation. The eelgrass Mitigation and Monitoring Plan shall be prepared in conjunction with input from NMFS and CFDW and, as per the CEMP, shall provide at a minimum the following items:

- Results of preliminary eelgrass survey and pre/post-Project eelgrass surveys and summary of projected eelgrass impacts

- Goals of the in-kind mitigation to achieve no net loss of eelgrass or eelgrass habitat function

- Description of proposed mitigation site and reference site(s)
  - Mitigation design, including:
    - Description of proposed mitigation measure
      1. Construction schedule, including specific starting and ending dates for all work including mitigation activities
  - Planting plan (eelgrass propagule procurement and installation)
    - Maintenance Plan

- Schedule and description of proposed post-Project monitoring and when results shall be provided to NMFS and CDFW
  - Schedule and description of process for continued coordination with NMFS and CDFW through mitigation implementation

- Monitoring measures, and performance and success criteria. Monitoring events and milestones are detailed in the CEMP but include the following milestones, as an example:
  - By Year 1, the mitigation site should achieve a minimum of 40 percent coverage of eelgrass and 20 percent density of the reference site(s) over not less than 1.2 times the area of the impact site
  - By Year 2, the mitigation site should achieve a minimum of 85 percent coverage of eelgrass and 70 percent density of the reference site(s) over not less than 1.2 times the area of the impact site.
  - By Year 3, the mitigation site should achieve a minimum of 100 percent coverage of eelgrass and 85 percent density of the reference site(s) over not less than 1.2 times the area of the impact site

- Description of alternative contingent mitigation or adaptive management should the proposed mitigation fail to achieve performance measures
  - Description of mitigation reporting

The mitigation shall be deemed complete and the applicant released from further responsibilities when the final success criteria have been met or when the mitigation is deemed complete as determined by NMFS.

MM BIO-10: Minimize Exterior Lighting

To the extent consistent with the normal and expected operations of the completed Project, measures shall be implemented to minimize the degree to which natural habitats on and surrounding the Project site are illuminated by Project lighting. Such measures may include the installation of motion-sensor lighting, automatic light shut-off mechanisms, downward-facing exterior light fixtures, the use of Dark-Sky-compliant lighting, and others. Exterior lighting within the Project footprint shall be shielded as needed to block illumination from shining upward or outward into the Bay and Sanchez Creek.

MM BIO-11: Conduct Preconstruction Surveys and Implement Protective Measures to Avoid Disturbance of Nesting Birds and Raptors

To reduce impacts on nesting birds and raptors, the Project proponent shall implement the measures listed below prior to construction activities.

- **Avoidance of the Nesting Season.** To the extent feasible, commencement of demolition and construction activities should be scheduled to avoid the nesting season. If demolition and construction activities are scheduled to take place outside the nesting season, all potential demolition/construction impacts on nesting birds protected under the Migratory Bird Treaty Act (MBTA) and the CFGC shall be avoided. The nesting season for most birds in San Mateo County extends from February 1 through August 31.
    - **Vegetation Removal.** If construction activities shall not be initiated until after the start of the nesting season, all potential nesting substrates (e.g., bushes, trees, grasses, and other vegetation) that are scheduled to be removed by the Project shall be removed prior to the start of the nesting season (e.g., prior to February 1) to the extent feasible. This shall preclude the initiation of nests in this vegetation and minimize the potential delay of the Project due to the presence of active nests in these substrates.

- **Pre-Activity/Pre-Disturbance Surveys—**If it is not possible to schedule construction activities between September 1 and January 31, then pre-activity surveys for nesting birds shall be conducted by a qualified biologist to ensure that no nests shall be disturbed during Project implementation. Surveys shall be conducted no more than 7 days prior to the initiation of ground-disturbing activities. During this survey, the biologist shall inspect all trees and other potential nesting habitats (e.g., trees and shrubs) in and immediately adjacent to the impact areas for nests. If no active nests are detected during these surveys, no additional measures are required if construction beings within 3 calendar days. An additional survey shall be conducted after any construction breaks of 3 calendar days or more.
    - **Non-Disturbance Buffers.** If an active nest is found sufficiently close to work areas to be disturbed by these activities, the biologist shall determine the extent of a construction-free buffer zone to be established around the nest (typically 300 feet for raptors and 100 feet for other species but subject to variation depending on the opinion of the biologist) to ensure that no nests of species protected by the MBTA and the CFGC shall be disturbed during Project implementation.

- **Nest Monitoring.** A qualified wildlife biologist shall monitor the nest(s) to ensure that construction activities do not affect nest success. Buffers (described above) may be reduced if a full-time qualified biologist is present to monitor the nest. Active nests shall be monitored to track progress of nesting activities until the biologist determines that the young have fledged and are capable of independent survival or the nest site is no longer active.
    - **Authority of Qualified Wildlife Biologist(s).** If, during construction, the qualified wildlife biologist(s) determines that a nesting bird is disturbed by construction activities to the point where continued activities could lead to nest failure, the qualified wildlife biologist(s) shall have the authority to immediately stop work. The qualified wildlife biologist(s) shall determine if additional protective measures (including increasing the non-disturbance buffer distance) need to be implemented and shall continue monitoring the nest until the qualified biologist(s) determine that bird behavior has normalized.

Cultural Resources and Tribal Cultural Resources

MM CULT-1: Stop Work if Archaeological Material or Features Are Encountered During Ground-Disturbing Activities

The applicant shall retain a professional archaeologist to provide a preconstruction briefing to supervisory personnel of any excavation contractor and alert them to the possibility of exposing

prehistoric archaeological resources within the Project site. During the briefing, the archaeologist shall discuss archaeologist objects that could be exposed, the need to stop excavation at the site of the discovery, and the procedures to follow regarding protection of the discovery and notification of the Project Sponsor and archaeological team. An "Alert Sheet" shall be posted in conspicuous locations at the Project site to alert personnel to the procedures and protocols to follow regarding the discovery of potentially significant prehistoric archaeological resources.

If deposits or precontact or historical archaeological materials are encountered during Project construction activities, all work within 25 feet of the discovery shall be redirected and a qualified archaeologist shall assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of discovery. Project personnel shall not collect or move any archaeological materials. Archaeological materials can include flaked-stone tools (e.g., projectile, points, knives, and choppers) or obsidian, chert, basalt, or quartzite toolmaking debris; bone tools; culturally darkened soil (i.e., midden soil often containing heat-affected rock, ash, and charcoal, shellfish remains, bones, and other cultural materials); and stone-milling equipment (e.g., mortars, pestles, and handstones). Prehistoric archaeological sites often contain human remains. Historical materials can include wood, stone, concrete, or adobe footings, walls, and other structural remains; debris-filled wells or privies; and deposits of wood, glass, ceramics, metals, and other refuse.

If the find is determined to be potentially significant, the archaeologist, in consultation with the Native American representative, shall develop a treatment plan, which could include site avoidance, capping, or data recovery. The final disposition of archaeological, historical, and paleontological resources recovered on State Lands under the jurisdiction of the California State Lands Commission must be approved by the Commission.

Geology and Soils

MM GEO-1: Stop Work in Case of Discovery of Paleontological Resources

Discovery of a paleontological specimen during any phase of the Project shall result in work stoppage in the vicinity of the find until it can be evaluated by a professional paleontologist. Should loss or damage be detected, additional protective measures or further action (e.g., resource removal), as determined by the professional paleontologist, shall be implemented to mitigate the impact prior to the continuation of work.

SECTION 4: The Design Review and Variance approvals shall be subject to revocation if the applicant fails to comply with the conditions listed herein at any time. If, at any time, the Community Development Director or Planning Commission determine that there has been or may be a violation of the findings or conditions of this approval, or of the Zoning Regulations, a public hearing may be held before the Planning Commission to review this approval pursuant to Zoning Regulation Section 25.88.050. At said hearing, the Planning Commission may add conditions, or recommend enforcement actions, or revoke the approval entirely, as necessary to ensure compliance with the Zoning Regulations, and to provide for the health, safety, and general welfare of the community.

PASSED AND ADOPTED this 10th day of August, 2026.

_____
Chairperson

I, _____, Secretary of the Planning Commission of the City of Burlingame, do hereby certify that the foregoing resolution was introduced and adopted at a regular meeting of the Planning Commission held on the 10th day of August 2026 by the following vote:

_____
Secretary

Exhibits:

Exhibit A - Project Plans dated October 27, 2025