

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLINGAME CONFIRMING DEVELOPER COMPLIANCE WITH THE DEVELOPMENT AGREEMENT FOR THE 1200-1340 OLD BAYSHORE HIGHWAY PROJECT FOR THE PERIOD BEGINNING JANUARY 1, 2025 THROUGH DECEMBER 31, 2025**

**WHEREAS**, on April 15, 2024, the City Council for the City of Burlingame adopted Ordinance No. 2027, approving that certain Development Agreement (“DA”) by and between DW Burlingame I Owner, LLC; DW Burlingame II Owner, LLC; DW Burlingame II Owner A, LLC; DW Burlingame II Owner B, LLC; and DW Burlingame III Owner, LLC (collectively, “Developer”); and

**WHEREAS**, the DA sets forth the rights and obligations of the City and the Developer with respect to development of property located at 1200-1340 Old Bayshore Highway, including development of three new 11-story office or research and development buildings, and two new 10-10.5-story parking garages (the “Project”); and

**WHEREAS**, section 6.1 of the DA and Government Code Section 65865.1 require the City and the Developer, on an annual basis, to review all actions taken pursuant to the terms of the DA with respect to development of the Project; and

**WHEREAS**, section 6.1 of the DA further requires the Developer to provide the City with documentation of its good faith compliance with the DA by submitting an Annual Review Form by December 1<sup>st</sup> of each year following the effective date of the DA; and

**WHEREAS**, section 6.1 of the DA further requires the City Council to consider the Annual Review Form at a public hearing and confirm, in compliance with Burlingame Municipal Code section 25.104.130 and Government Code Section 65865.1, and based on substantial evidence, whether the Developer has complied in good faith with the terms and conditions of the DA.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED:**

1. The foregoing recitals are true and correct and are incorporated herein.
2. The Developer has submitted the Annual Review Form, attached hereto, and based upon the substantial evidence therein, the City Council concludes that the Developer has complied in good faith with the terms and conditions of the DA for the period beginning on January 1, 2025, through December 31, 2025.

I, Meaghan Hassel-Shearer, City Clerk of the City of Burlingame, certify that the foregoing resolution was introduced at a regular meeting of the City Council, held on the 16<sup>th</sup> day of March 2026, and as adopted thereafter by the following vote:

AYES:           COUNCILMEMBERS:  
NOES:           COUNCILMEMBERS:  
ABSENT:        COUNCILMEMBERS:

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Meaghan Hassel-Shearer, City Clerk