

City of Burlingame

Public Comment on Draft Environmental Impact Report

Item No. 7a
Study Item

Address: 1200-1340 Bayshore Highway

Meeting Date: October 23, 2023

Request: Public Comment on the Draft Environmental Impact Report (DEIR) for an Application for Environmental Review, Commercial Design Review, and Special Permits for Height and Development under Tier 3/Community Benefits for a new Office/Research & Development Project consisting of three, 11-story buildings and two, 10-story parking structures.

APNs: 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

Applicant and Property Owner: DW Burlingame Venture, LLC
Architect: Ben K. Mikus, WRNS Studio

General Plan: Bayfront Commercial
Zoning: BFC (Bayfront Commercial)
Lot Area: 523,775 SF (12 acres)

Current Use: Office/Retail/Restaurant/Hotel

Proposed Use: Office/Research & Development/Restaurant

Allowable Use: Office, including research and development office with associated laboratories, Restaurant.

Adjacent Development: Hotels, Office buildings, San Francisco Bay

Environmental Scoping Meeting: The Planning Commission held an Environmental Review Scoping Meeting on August 22, 2022, to identify potential environmental issues to be studied in the environmental document (see attached August 22, 2022, Planning Commission Minutes) for the proposed office/research and development project at 1200-1340 Bayshore Highway (the Project).

Public Review on Draft Environmental Impact Report (Draft EIR): The City issued a Notice of Preparation (NOP) on August 12, 2022 stating that it would prepare an environmental impact report for the proposed Project in compliance with California Environmental Quality Act (CEQA) Guidelines Sections 15082(a), 15103, and 15375. The NOP 30-day review period began on August 12, 2022, and concluded on September 12, 2022. The Planning Division received 20 comments from agencies and interested parties during the public review and comment period.

On September 20, 2023, the Draft EIR (DEIR) for the proposed development was released for public review. The Planning Division considered the comments made by the public in response to the NOP when preparing this DEIR, and those comments on the NOP are included as Appendix B to the DEIR.

CEQA requires a 45-day review period for the DEIR. The Notice of Availability / Notice of Completion of the DEIR was sent to agencies, interested persons, and to the State Clearinghouse on September 19, 2023 (SCH# 2022080299). The DEIR is available for public review and comment until November 3, 2023. The DEIR is available for review at the City's website (<https://www.burlingame.org/1200-1340bayshore>) and the City is accepting written comments.

Public Comment Process: CEQA does not require a public hearing to take comments on the DEIR, but this Planning Commission meeting is intended to be an additional opportunity for the public and affected agencies to comment on the DEIR pertaining to:

- The overall adequacy of the environmental review; and
- Issues that may require further analysis.

At this time, the Planning Commission should take public comment on the DEIR. This meeting is not a hearing to consider approval of the Project, nor is it the time to discuss the merits of the Project. The intent is to collect comments from the public on the overall adequacy of the DEIR.

Once all comments are received at the end of the review period, a Response to Comments (RTC) document will be prepared to respond to all comments made on the DEIR during the public review period, including oral comments from this Planning Commission meeting. The Response to Comments document, together with the DEIR, will constitute the Final EIR (FEIR) for the Project. Once the Final EIR is complete, the Planning Commission and City Council will hold public hearings to consider certification of the EIR and to take action on the Project applications.

Draft EIR – Summary of Potential Significant Impacts and Mitigation Measures: CEQA requires that governmental agencies must give “major consideration to preventing environmental damage when regulating activities affecting the quality of the environment.” An environmental impact report (EIR) is an informational document used to inform decision makers and the public of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.

The DEIR analyzed the impacts of the proposed development at 1200-1340 Bayshore Highway and has identified that the proposed Project would have no significant and unavoidable impacts. This means that any potential impacts that may have been identified in the analysis can be adequately mitigated so that they are not considered significant impacts on the environment. Per CEQA Guidelines Section 15370, mitigation refers to:

- a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- e) Compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements.

The DEIR has identified that the proposed project would result in impacts that could be mitigated to a less-than-significant level to the following environmental resources:

- air quality;
- biological resources;
- cultural resources, including tribal cultural resources;
- greenhouse gas emissions;
- hazards and hazardous materials;
- hydrology and water quality; and
- utilities and service systems.

The DEIR has identified that the proposed project would result in less-than-significant impacts or no impact to the following environmental resources:

- aesthetics;
- agriculture and forestry resources;
- energy;
- geology and soils;
- land use and planning;
- mineral resources;
- noise and vibration;
- population and housing;
- public services and recreation;
- transportation;¹ and
- wildfire.

¹ With the passage of SB 743 amending CEQA’s evaluation of transportation impacts effective July 1, 2020, and the Guidelines implementing SB 743, a project’s effects on intersection function (referred to as level of service or LOS) is no longer considered an impact on the environment and is no longer evaluated under CEQA.

Project Summary: The total Project site measures approximately 12 acres in size and is located on the east side of Bayshore Highway. The Project site is bounded to the south by Airport Boulevard, to the east by the San Francisco Bay, to the north by office buildings and surface parking lots, and to the west by Bayshore Highway. Easton Creek runs west to east to the Bay through the center of the project site. The site is currently occupied by a mix of office, restaurant, and retail buildings, a Holiday Inn Express, and surface parking lots. The Bay Trail terminates at the south end of the Project site and resumes on the north end. The southernmost parcel on the Project site contains a drainage ditch and unpaved gravel road, tidal salt marsh, and a remnant channel.

The Project proposes to redevelop the site with three, new 11-story office/research and development (R&D) buildings and two, new 10-10.5-story parking garages with two below grade parking levels each. The Project proposes a gross floor area of 1,420,000 square feet (SF) divided between Building North (620,700 SF), Building Center (437,300 SF), and Building South (362,000 SF). The South and Center buildings would have a combined 5,000 square feet of restaurant space. The Project would provide a total of 3,400 parking spaces provided in two parking structures.

The DEIR provides further detail on the proposed Project. Additional detail on the Project may also be found in the Design Review Study staff report at <https://www.burlingame.org/1200-1340bayshore>.

Planning Commission Action: The Planning Commission should hold a public comment session to accept comments from the public on the adequacy of the DEIR.

Catherine Keylon
Senior Planner

Kelly Beggs
Contract Principal Planner

Ralph Robinson
Contract Associate Planner

- c. DW Burlingame Venture, LLC, applicant and property owner
Ben K. Mikus, WRNS Studio, architect

Attachments:

August 22, 2022 Planning Commission Minutes
Application to the Planning Commission

- Special Permit for Building Heights
- Special Permit for Tier 3 Development / Community Benefits
- Environmental Information Form
- Climate Action Plan Consistency Checklist for New Development

Notice of Availability (NOA) of Draft EIR– Mailed & Published September 20, 2023

Public Comments Provided for DEIR (to date)

Notice of Public Hearing – Mailed October 13, 2023

Area Map

Submitted Separately (to Planning Commission):

[Draft Environmental Impact Report – 1200-1340 Bayshore Highway, dated September 20, 2023 \(SCH# 2022080299\)](#)