

San Francisco Bay Conservation and Development Commission

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July 14, 2023

Staff Recommendation

777 Airport Boulevard Life Sciences Redevelopment Project

(For Commission consideration on July 20, 2023)

BCDC Permit Application Number:	2022.004.00
Applicant:	DL Burlingame Sub, LLC (of Lincoln Property Company West)
Project Description:	Construct an 872,000-square-foot, 13-story building for offices, research and development, and built-in garage, and improve an existing 1.4-acre public access area.
Location:	Within the 100-foot shoreline band, at 777 Airport Boulevard in the City of Burlingame, San Mateo County.
Amended Application Filed Complete:	July 7, 2023
Deadline for Commission Action:	October 5, 2023
Staff Contact:	Shruti Sinha (415/352-3654; shruti.sinha@bcdc.ca.gov)
Staff Recommendation:	APPROVAL WITH CONDITIONS

Basis for Staff Recommendation

The staff recommends approval of the application as conditioned in the recommended resolution, below. The project will involve the redevelopment of an existing hotel campus with a new 13-story building for life science facilities and a built-in garage, installation of riprap, and improvements to the existing Bay Trail and other public access features. The proposed use is not in conflict with any Priority Use Areas established by the San Francisco Bay Plan. Among other things, the recommended resolution includes special conditions to:

- Require significant improvements to the existing 61,240-square-foot required public access area, including a widened trail, new plazas and overlooks with seating, enhanced signage, accessibility features, and amenities.
- Require maintenance of the Total Public Access area by the permittee or its assigns.
- Require flood monitoring and reporting and development of a Sea Level Rise Adaptation Plan to ensure ongoing viability of public access areas in the future.



- Ensure pedestrian connections from Anza and Airport Boulevards to the Shoreline Public Access Area, as well as a vehicular connection from Airport Boulevard to the Shoreline Public Access Area.
- Provide for future trail connections to neighboring sites.

Recommended Resolutions and Findings

The staff recommends the Commission adopt the following resolution:

I. Authorization

A. Authorized Project

Subject to the conditions stated below, the permittee, DL Burlingame Sub, LLC, is granted permission to conduct the following in the Commission's 100-foot shoreline band, at 777 Airport Boulevard and the City-owned right-of-way ("Anza ROW") adjacent to its western and southern boundaries, in the City of Burlingame, San Mateo County.

1. Site Preparation

Conduct various site preparation activities including clearing and grubbing vegetation, grading, elevation, excavation for removal and installation of underground utility lines, preparing soils for drainage, and constructing building pads and hardscape elements.

2. Shoreline Protection

Construct, use, and maintain in-kind an approximately 3,000-square-foot engineered riprap revetment not steeper than 2:1 along approximately 135 linear feet of shoreline.

3. Life Sciences Building

Construct, use, and maintain in-kind a portion of a 13-story, approximately 227-foot-tall building within a footprint of 84 square feet for office and research and development ("R&D") use.

4. Shoreline Public Access Area

Construct, use, and maintain in-kind a 49,180-square-foot public access area along the shoreline, which consists of the following:

- a. A minimum 14-foot-wide paved segment of the San Francisco Bay Trail along approximately 475 linear feet of shoreline;
- b. A "Shoreline Plaza," "Picnic Plaza," "Shoreline Overlook," and an approximately 1,060-square-foot portion of a "Sloped Lawn" with terrace seating;
- c. Portions of four Public Shore parking spaces; and
- d. Approximately 6,580 square feet of pedestrian and vehicular access paths to the Bay Trail.

B. Permit Application Date

This authority is generally pursuant to and limited by the application dated June 24, 2022, and amended on June 8, 2023, including all accompanying and subsequently submitted correspondence and exhibits, subject to the modifications required by conditions hereto.¹

C. Deadlines for Commencing and Completing Authorized Work

Work authorized herein must commence prior to August 1, 2025, or this permit will lapse and become null and void. Once commenced, all work authorized or required by this permit must be diligently pursued to completion and must be completed within three years of commencement, or by August 1, 2028, whichever is earlier, unless an extension of time is granted by amendment of the permit.

D. Project Summary

The project authorized by this permit involves the construction of a 13-story, approximately 871,000-square-foot life sciences building with a built-in parking garage at 777 Airport Boulevard. Approximately 2.41 acres of the total 3.08-acre project will be located within the Commission's shoreline band jurisdiction. Within the shoreline band, the project will involve the construction of a corner portion of the 13-story life sciences building within an 84-square-foot footprint and the redevelopment of an existing 21,700-square-foot public access area around an existing Bay Trail segment. As part of these shoreline public access improvements, the project will also redevelop an approximately 24,500-square-foot public right-of-way along the western boundary of 777 Airport Boulevard with a contiguous Bay Trail extension and other shared landscape features.

This project will significantly improve the approximately half-acre existing shoreline public access area. The redeveloped public access area will feature an improved and widened accessible San Francisco Bay Trail, a widened pedestrian path connecting Anza Boulevard to the Bay Trail, pedestrian and vehicular access from Airport Boulevard to the Shoreline Public Access Area, which includes a Shoreline Plaza, Picnic Plaza, Overlook Plaza, Sloped Lawn, the Bay Trail, and shoreline access paths. This project will provide 12 Public Shore parking spaces, including one ADA-accessible Public Shore parking space near the shoreline. Other improvements to the public access area include

¹ After the original permit application was filed and while it was still pending, the permittee (then applicant) submitted a change to the proposed design of the project's shoreline protection component. BCDC determined that the change constituted a material amendment to a pending major permit application for purposes of 14 CCR Section 10371 of BCDC's regulations. The permittee submitted a letter on June 8, 2023, in compliance with 14 CCR sections 10371(b) and 10521(c) to formally request a material application amendment and to remove the original permit application from active consideration. As a result, the time period within which the Commission must act on the amended permit application under the McAteer-Petris Act and the Permit Streamlining Act was established as beginning as of the date of the filing of the amended permit application request (July 7, 2023), thus ending on October 5, 2023.

an enhanced public access signage program, bike racks, several picnic tables, a binocular viewscope, a drinking fountain with pet bowl, a dog bag post, new benches along the Bay Trail, and native or adaptive (non-invasive and drought tolerant) landscaping for screening and shade. Finally, the project will provide unrestricted public pedestrian and vehicular access from Airport Boulevard to the Shoreline Public Access Area.

In anticipation of projected flood risks associated with climate change and sea level rise, the project will also involve construction of new riprap and retaining wall on top of the existing shoreline armoring. Situated a minimum of 2 vertical feet above Mean High Water, the new riprap and flood wall would not constitute Bay fill and would not involve any in-water construction activities.

E. Related Permits

Prior to the issuance of this permit, the parcel at 777 Airport Boulevard was the subject of BCDC Permit No. 1980.026.02, originally issued on March 27, 1981, and amended through December 28, 1981, to Days Inn of America for development of a 214-room, 70,122-square-foot hotel. Permit No. 1980.026.02 required a 21,700-square-foot dedicated public access area within the Commission's 100-foot shoreline band jurisdiction. On December 15, 2022, Days Inn of America sold its interest in 777 Airport Boulevard to DL Burlingame LLC, a subsidiary of Lincoln Property Company West ("LPC West"). LPC West, as successor permittee, proposed a complete redevelopment of the hotel campus into a life sciences campus with a significantly improved shoreline public access area. This permit authorizing the project proposed by LPC West would replace and supersede Permit No. 1980.026.02.

II. Special Conditions

The authorization made herein shall be subject to the following special conditions, in addition to the standard conditions in Part IV:

A. Specific Plans and Plan Review

1. Construction Documents

The development authorized herein shall be built generally in conformance with the following plan sets compiled by Gensler, each one entitled "777 Airport Boulevard":

- a. **Architectural.** The 28-page architectural plan set for project number 01.6418.000 prepared by Gensler and associated contractors and last updated September 23, 2022.
- b. **Landscape.** The 32-page landscape plan set for project number BAB 2101 prepared by Gensler, Petersen Studio, and associated contractors, and last updated September 23, 2022.

- c. **Civil.** The 25-page civil engineering plan set for project number 01.6418.000 prepared by Gensler, Wilsey Ham, Saiful Bouquett, Alvine Engineering, and associated contractors, and last updated on April 24, 2023, with a revised shoreline revetment plan.
- d. **Erosion Control.** The 5-page erosion control plan set for project number 01.6418.000 prepared by Gensler, Wilsey Ham, Saiful Bouquett, Alvine Engineering, and associated contractors, and last updated October 6, 2022.

The permittee is responsible for assuring that the Construction Documents accurately and fully reflect the terms and conditions of this permit and any legal instruments submitted pursuant to this authorization. No substantial changes shall be made to these documents without prior review and written approval by or on behalf of the Commission through plan review or a permit amendment, as applicable.

2. Documents Review and Approval

No work whatsoever shall commence pursuant to this permit until final construction documents regarding authorized activities are approved in writing by or on behalf of the Commission. All documents are reviewed within 60 days of receipt. To save time, preliminary documents may be submitted prior to the submittal of final documents. If final construction document review is not completed by or on behalf of the Commission within the 60-day period, the permittee may carry out the project authorized herein in a manner substantially consistent with the plans referred to in Special Condition II.A.1 of this permit.

It is anticipated that some plan review may be conducted at the staff level, with the Commission's Design Review Board (DRB) reviewing site-specific public access and open space plans as determined necessary by BCDC staff based on the scope of potential design changes but that do not affect the Commission's determination of maximum feasible public access, consistent with the project, to and along the shoreline. Any such potential design changes that would affect the Commission's determination of maximum feasible public access, consistent with the project shall be processed through submittal of a permit amendment request. Preliminary documents may be required to be submitted for review by or on behalf of the DRB prior to the submittal of construction documents for final approval.

a. Document Details

Construction documents shall be labeled, as appropriate, with: the Mean High Water line or the upland extent of marsh vegetation no higher than +5 feet above Mean Sea Level and the tidal datum reference (NAVD88 or, if appropriate, Mean Lower Low Water (MLLW)); the corresponding 100-foot shoreline band; property lines; the location, types, and dimensions of materials, structures, and project phases authorized herein; grading limits; and the boundaries of Public

Access Areas and view corridor(s) required herein. Construction documents for shoreline protection projects must be dated and include the preparer's certification of project safety and contact information. No substantial changes shall be made to these documents without prior review and written approval by or on behalf of the Commission through plan review or a permit amendment.

b. Conformity with Final Approved Documents

All authorized development and uses shall conform to the final documents. Prior to use of the facilities authorized herein, the appropriate professional(s) of record shall certify in writing that the work covered by the authorization has been implemented in accordance with the approved criteria and in substantial conformance with the approved documents. No substantial changes shall be made to these documents without prior review and written approval by or on behalf of the Commission through plan review or a permit amendment.

c. Discrepancies between Approved Plans and Special Conditions

In case of a discrepancy between final approved documents and the special conditions of this permit or legal instruments, the special condition shall prevail.

d. Reconsideration of Plan Review

The permittee may request reconsideration of a plan review action taken pursuant to this special condition within 30 days of a plan review action by submitting a written request for reconsideration to the Commission's Executive Director. Following the Executive Director's receipt of such a request, the Executive Director shall respond to the permittee within 30 days with a determination on whether the plan review action in question shall remain unchanged or an additional review and/or action shall be performed by or on behalf of the Commission, including, but not limited to, an amendment to the permit and/or consultation with the Commission's Design Review Board (DRB).

B. Public Access

1. Total Public Access Area

The approximately 25,170-square-foot (0.58-acre) area, along approximately 330 linear feet of shoreline as generally shown on Exhibit A, shall be made available exclusively to the public for unrestricted public access for walking, bicycling, sitting, viewing, picnicking, and related purposes. If the permittee wishes to use the public access area for purposes other than public access, it must obtain prior written approval by or on behalf of the Commission.

TABLE 1: SUMMARY OF TOTAL PUBLIC ACCESS AREA

New dedicated public access in the shoreline band	550 square feet
New dedicated public access outside the shoreline band	1,830 square feet
Previously dedicated public access to be improved (BCDC Permit No. 1980.026.02)	21,700 square feet (0.50 acres)

2. Permanent Guarantee

Prior to the commencement of any grading or construction activity, the permittee shall, by instrument or instruments acceptable to counsel for the Commission, dedicate to a public agency or otherwise permanently guarantee such rights for the public to the approximately 2,380-square-foot (0.06-acre) portion of the total dedicated public access area as generally shown in Exhibit A, that was not previously dedicated under instrument No. 81-99217AS, recorded on August 12, 1981, pursuant to Special Condition II.B.2 (“Instruments”) of BCDC Permit No. 1980.026.02. The instrument(s) shall create rights in favor of the public which shall commence no later than after completion of construction of any public access improvements required by this authorization and prior to the use of any structures authorized herein. Such instrument shall be in a form that meets recordation requirements of San Mateo County and shall include a legal description of the property being restricted and a map that clearly shows the shoreline (Mean High Water Line or 5 feet above Mean Sea Level if marsh is present), the property being restricted for public access, the legal description of the property and of the area being restricted for public access, and other appropriate landmarks and topographic features of the site, such as the location and elevation of the top of bank of any levees, any significant elevation changes, and the location of the nearest public street and adjacent public access areas. Approval or denial of the instrument shall occur within 30 days after submittal for approval and shall be based on the following:

- a. Sufficiency of the instrument to create legally enforceable rights and duties to provide the public access area required by this authorization in favor of the public that will run with the land and be binding on any subsequent purchasers, licensees, and users; and
- b. Inclusion of an exhibit to the instrument that clearly shows the area to be reserved with a legally sufficient description of the boundaries of such area.

3. Recordation of the Instrument

Within 30 days after approval of the instrument, the permittee shall record the instrument on all parcels affected by the instrument required by Special Condition II.B.2 and shall provide evidence of recording to the Commission. No changes shall be made to the instrument after approval without the express written consent by or on behalf of the Commission.

4. Improvements within the Total Public Access Area

Prior to the use of any structure authorized herein, the permittee shall install the following improvements as generally shown on attached Exhibits A and B. All improvements shall be ADA accessible and conform to Universal Access best practices to the maximum extent feasible.

a. Bay Trail

A minimum 14-foot-wide, approximately 475-foot-long paved segment of the Bay Trail.

b. Plazas

An approximately 810-square-foot "Picnic Plaza" with tables and seating, and an approximately 5,940-square-foot "Shoreline Plaza."

c. Shoreline Overlook

An approximately 1,360-square-foot "Shoreline Overlook" with seating for at least fifteen people.

d. Sloped Lawn

An approximately 3,780-square-foot "Sloped Lawn" with terraced seating overlooking the Burlingame Lagoon.

e. Pathways

An approximately 12-foot-wide paved pedestrian path connecting Anza Boulevard to the Bay Trail.

f. Landscaping

Approximately 45,040 square feet of landscaping consisting of native or adaptive, non-invasive planting.

g. Furnishings and Amenities

No fewer than seven bicycle racks, 4 benches, 3 picnic tables, and 2 waste receptacles for trash and recycling, appropriate lighting, and at least one each of the following: drinking fountain with dog bowl, public binoculars, and dog bag dispensers.

5. Plaza Connections to Shoreline

a. Airport Boulevard Plaza

The approximately 8,000-square-foot area consisting of the “Airport Boulevard Plaza” shall be made available exclusively to the public for unrestricted public access at all times for walking, bicycling, sitting, viewing, picnicking, and related purposes. If the permittee wishes to use the public access area for other than public access purposes, it must obtain prior written approval by or on behalf of the Commission.

b. Linear Plaza

The approximately 400-foot-long sidewalk between the Airport Boulevard Plaza and the shoreline along the southern face of the building shall be made available for unrestricted public pedestrian and bicycle access at all times.

6. Outdoor Dining

The permittee may use an approximately 1,400-square-foot portion of the Linear Plaza as an outdoor dining area, provided that a 10-foot-wide pathway along the plaza is maintained clear of any related furnishings in order to allow pedestrian circulation from Airport Boulevard to the shoreline at all times. The permittees shall take all necessary operational measures to avoid adversely impacting public use of the Linear Plaza.

a. Outdoor Dining Plan

Prior to the commencement of any outdoor dining use, the permittee shall submit an Outdoor Dining Plan for review and approval by or on behalf of the Commission through the plan review process established in Special Condition II.A (“Specific Plans and Plan Review”). The Outdoor Dining Plan shall, at minimum, include the location and boundaries of the outdoor dining area, depict the required 10-foot-wide pathway and planned pedestrian circulation, describe any proposed barriers and/or signage to delineate the outdoor dining area, and specify hours of operation. Furnishings, barriers, and other features must be used according to the approved Outdoor Dining Plan and may not be moved such that they impede upon circulation routes or diminish views to the shoreline. Revisions to the Outdoor Dining Plan may be approved through the plan review process.

b. Hours

Use of the area for outdoor dining is only permitted during the restaurant’s operating hours. Furnishings, temporary barriers, and other installations must be brought inside when the restaurant is closed, and the area shall remain open for public use during non-operating hours.

c. **Period of Authorization**

The period of authorization for outdoor dining use shall be for five years from the date of approval of the Outdoor Dining Plan. The authorization may be extended through the plan review process established in Special Condition II.A (“Specific Plans and Plan Review”) based on findings that the outdoor dining area has not negatively impacted public circulation to and from the shoreline or the public’s use of the linear plaza.

7. **Public Shore Parking**

Prior to the occupancy of any structure on the property, the permittee shall provide the following, as shown on Exhibit B:

- a. A minimum of 11 standard parking spaces designated and signed as Public Shore parking spaces, and
- b. A minimum of two ADA-compliant parking spaces, at least one of which must be designated and signed as a Public Shore parking space.

Modifications to the Public Shore and ADA-compliant parking areas must be reviewed and approved by BCDC staff pursuant to Special Condition II.A (“Specific Plans and Plan Review”).

8. **Vehicular Access**

The permittee shall ensure that vehicular and bicycle access along the access drive from Airport Boulevard to the Public Shore parking spaces remains open and unobstructed at all times.

9. **Public Access Signage, Wayfinding, and Interpretive Elements Plan**

At least 180 days prior to use of any improvements authorized or required by this permit, the permittee shall submit for review and approval by or on behalf of the Commission a comprehensive Public Access Signage, Wayfinding, and Interpretive Elements Plan (“Signage Plan”). The Signage Plan should accomplish the following:

- a. Provide detail on the location, quantity, and design of wayfinding, interpretive, “Public Shore,” “Public Shore Parking,” and Bay Trail signs.
- b. Provide for adequate signage to ensure that members of the public can clearly and conveniently identify and follow the pedestrian, bicycle, and roadway connections from Anza Boulevard and Airport Boulevard to the shoreline;
- c. Maximize public recognition, use, and enjoyment of the project’s public access improvements and connections;

- d. Identify and utilize appropriate measures to communicate to the range of social and linguistic groups residing in the surrounding community, including interpretive signage in relevant languages in addition to English, and reliance on iconography; and
- e. Incorporate Universal Design features to maximize legibility across a wide variety of users, which may include auditory or tactile elements, Braille signage, etc.

The Signage Plan shall be reviewed through the plan review process established in Special Condition II.A (“Specific Plans and Plan Review”) above.

10. Construction Impacts on Public Access

Prior to commencing construction within any portion of the Total Public Access Area specified in Special Condition II.B.1, the permittee shall submit a Detour Plan to reroute the public around any portion of a public access pathway that may be occupied by construction. The Detour Plan shall be reviewed through the plan review process established in Special Condition II.A (“Specific Plans and Plan Review”). The plan shall include signage at and near the construction site to notify the public of any temporarily closed public access areas, the length of time that the access path will be closed, and the location of the temporary detour.

11. Future Public Access Connections to Neighboring Parcels

The permittee shall enable the construction of future public access connections between its property and the neighboring parcels to facilitate the completion of the Bay Trail. Within one year of commencement of the development or redevelopment of any shoreline public access areas on a neighboring parcel, the permittee shall submit a permit amendment request to install improvements as necessary to create a physical connection to the new or redeveloped public access areas to the public access area required herein. At such time, the permittee shall reasonably coordinate the design, construction, and maintenance of any such new improvements with the permittee(s) of the neighboring parcel to create a continuous and seamless transition between the public access areas, including landscaping.

12. Maintenance

The areas and improvements within the total 63,630-square-foot public access area and plazas required by Special Condition II.B.5 (“Plaza Connections to Shoreline”) shall be maintained for the life of the permit by and at the expense of the permittee or its assignees. Such maintenance shall include, but is not limited to, repairs to all path surfaces; replacement of any trees or other plant materials that die or become unkempt; repairs or replacement as needed of any public access amenities such as signs, benches, drinking fountains, trash containers and lights; periodic cleanup of litter and other materials; removal of any encroachments; and assuring that the

public access signs remain in place and visible. Within 30 days after notification by staff, the permittee shall correct any maintenance deficiency noted in a staff inspection of the site.

13. Assignment

The permittee shall transfer maintenance responsibility to a public agency or another party acceptable to the Commission at such time as the property transfers to a new party in interest but only provided that the transferee agrees in writing, acceptable to counsel for the Commission, to be bound by all terms and conditions of this permit.

14. Reasonable Rules and Restrictions

The permittee may impose reasonable rules and restrictions on the Total Public Access Area required by Special Condition II.B.1 (“Total Public Access Area”) and the plazas required by Special Condition II.B.5 (“Plaza Connections to Shoreline”) to correct particular problems that may arise. Such limitations, rules, and restrictions shall have first been approved by or on behalf of the Commission upon a finding that the proposed rules would not significantly affect the public nature of the area, would not unduly interfere with reasonable public use of the areas, and would tend to correct a specific problem that the permittee has both identified and substantiated. Rules may include restricting hours of use and delineating appropriate behavior and would be approved on a limited-term basis. The permanent application of any rules or restrictions shall require a permit amendment.

C. Flooding and Adaptation

1. Flood Reports

If any portion of the public access area required by Special Condition II.B.1 (“Total Public Access Area”) or the plazas required by Special Condition II.B.5 (“Plaza Connections to Shoreline”) is subject to flooding that results in its closure in whole or in part, the permittee shall submit to the Commission a written report within 30 days after the flooding incident with documentation of the date and duration of the closure; the location of the affected site; the recorded water levels during the closure period; the source of flooding (e.g., coastal flooding, groundwater flooding, stormwater backup, or overland flow); the resulting damage or cleanup; and illustrative photographs with site details.

2. Revision of Risk Assessment

Within 90 days of the first occurrence of flooding that results in closure of any portion of the required public access or plaza connections, or by December 31, 2050, whichever is sooner, the permittee shall prepare and submit a revision of the June 16, 2023 document titled “777 Airport Boulevard Sea-level Rise Flood Risk Assessment – Update” (“Risk Assessment”) and submitted as part of this application, to be approved by or on behalf of the Commission, pursuant to the process outlined

in Special Condition II.A (“Specific Plans and Plan Review”). The Executive Director may determine that a flood event unrelated to reoccurring flood risk (e.g., clogged storm drain) does not trigger the requirement to prepare a revised Risk Assessment.

The revised Risk Assessment shall incorporate: (1) the most up-to-date sea level rise guidance and policies from relevant state and federal agencies, including the Commission; (2) an analysis of current and future water levels; (3) an analysis of landfill subsidence and groundwater rise and their contribution to flooding; (4) a report of any observed flooding events to date; (5) an analysis of the risk of flooding due to all types of potential flooding; (6) consequences of defense failure; and (7) degrees of uncertainty.

3. Sea Level Rise Adaptation Planning and Implementation

Should the revised Risk Assessment identify current or future flood risk to the public access areas required by Special Condition II.B.1 (“Total Public Access Area”) or the plazas required by Special Condition II.B.5 (“Plaza Connections to Shoreline”) before the end of the century, or another date until which the development approved by the Commission is required to be resilient, the permittee shall prepare a Sea Level Rise Adaptation Plan consistent with Commission laws and policies at the time of revision. Within 180 days after approval of a revised Risk Assessment that identifies flood risk for which adaptation planning is required, the permittee shall submit the Sea Level Rise Adaptation Plan for review and approval by or on behalf of the Commission through a permit amendment request. The Sea Level Rise Adaptation Plan shall meet the following objectives:

a. Adaptation Measures

Measures shall be developed to address impacts to the project that, based on the best available science at the time the Sea Level Rise Adaptation Plan is submitted, can foreseeably arise as a result of flooding for the period during which the authorized uses will remain in place. The public access areas required by Special Condition II.B.1 (“Total Public Access”) and plazas required by Special Condition II.B.5 (“Plaza Connections to Shoreline”) shall be protected from flooding by raising the elevation of the public access, relocating it upland, installing a flood protection device (e.g., seawall, barrier wall, bulkhead, cutoff wall, etc.), or by another method acceptable to the Commission. Any adaptive measure proposed shall ensure that shoreline public access will be at least equivalent in terms of overall area and function to the public access required in this permit.

b. Implementation Schedule

A timeline shall be established to implement the required adaptation measures, which shall ensure that necessary actions are taken in advance of the time that use of the public access is impaired by flooding (outside of an extreme or unpredictable storm event). Upon review and approval of the Sea Level Rise

Adaption Plan by or on behalf of the Commission, the permittee shall implement all approved adaptation strategies within the approved timelines of the implementation schedule. No permanent restrictions or closures of required public access areas may take place without additional approval by or on behalf of the Commission.

D. Shoreline Protection

Riprap material shall be either quarry rock or specially cast concrete pieces free of reinforcing steel and other extraneous material and conforming to quality requirements for specific gravity, absorption, and durability specified by the California Department of Transportation (Caltrans) or the U.S. Army Corps of Engineers (USACE). The overall thickness of the slope protection shall be no more than three feet measured perpendicular to the slope. Use of dirt, small concrete rubble, concrete pieces with exposed rebar, large and odd shaped pieces of concrete, and asphalt concrete as riprap is prohibited. Riprap material shall be placed so that a permanent shoreline with a minimum amount of fill is established by means of an engineered slope no steeper than 2 horizontal to 1 vertical. The slope shall be created by the placement of a filter layer protected by riprap material of sufficient size to withstand wind and wave generated forces at the site.

The shoreline protection improvements authorized herein shall be regularly maintained by, and at the expense of, the permittee, lessee, assignee or other successor in interest to the project. Maintenance shall include the collection of riprap material that becomes dislodged, the in-kind replacement of damaged or missing riprap material and associated filter fabric or other material, and the removal of debris on riprap. Within 30 days of notification by or on behalf of the Commission, the permittee or any successor in interest shall correct any identified maintenance deficiency. Maintenance of the shoreline protection improvements authorized herein is expressly subject to and limited by Special Condition II.C (“Flooding and Adaptation”).

E. Regional Project Database

Within 90 days of receiving plan review approval for any construction documents related to shoreline protection or sea level rise resilience and adaptation measures, the permittee shall enter project details into the online regional project database for tracking such efforts (EcoAtlas Project Tracker; <https://ptrack.ecoatlas.org/>). After such project elements have been constructed, the permittee shall update details in the regional project database to reflect as-built conditions. The permittee shall also upload all relevant project adaptation and monitoring plans, flood monitoring reports, and risk assessments to the regional project database required under Special Conditions II.C (“Flooding and Adaptation”) as they are completed, in addition to submitting these documents directly to Commission staff. For guidance on data entry requirements and instructions for uploading documents to the regional project database, please visit the Commission’s website or contact Commission staff.

F. Permit Recording

The permittee shall record this permit on all parcels affected by this permit with San Mateo County within 30 days after execution of the permit issued pursuant to this authorization and shall, within 30 days after recordation, provide evidence of recordation to the Commission.

G. Certification of Contractor Review

Prior to commencing any grading, demolition, or construction, the general contractor or contractors in charge of that portion of the work shall submit written certification that they have reviewed and understand the requirements of the permit and the final Commission-approved plans, particularly as they pertain to environmentally sensitive areas and any public access or open space required by this permit.

H. Foundation Layout Inspection

1. Written Request

Prior to constructing any building forms for any structure that will be located in or adjacent to the Commission's 100-foot-wide shoreline band, Total Public Access Area, or plazas required by by Special Condition II.B.5 ("Plaza Connections to Shoreline"), the permittee shall request in writing an inspection by the Commission staff of the foundation layout as it has been surveyed and staked in the field relative to Mean High Water or 5 feet above Mean Sea Level in marshland.

2. Certificate of Foundation Layout Inspection

Within five working days of receipt of the written request for an inspection, the Commission's staff will inspect the foundation layout as it has been surveyed and staked in the field for any structure that will be located in or adjacent to the Commission's 100-foot-wide shoreline band, Total Public Access Area plazas required by by Special Condition II.B.5 ("Plaza Connections to Shoreline"). The permittee shall not commence construction of the forms or pour the foundation until the staff has confirmed in writing that the foundation layout is consistent with the terms and conditions of the permit by providing the permittee with a Certificate of Foundation Layout Inspection.

3. Responsibility of Permittee

If the staff is unable to perform this inspection within the 5-day period, the permittee may commence such work, but the staff's inability to complete such an inspection does not relieve the permittee of the responsibility to provide public access pursuant to Special Condition II.B ("Public Access") and build any structures (the project) in accord with the approved plans.

I. Certificate of Occupancy or Use

Prior to occupancy or use of any of the improvements authorized herein, the permittee shall submit the Notice of Completion and Compliance required herein and request in writing an inspection of the project site by the Commission staff. Within 30 days of receipt of the written request for an inspection, the Commission's staff will: (1) review all permit conditions; (2) inspect the project site; and (3) provide the permittee with written notification of all outstanding permit compliance problems, if any. The permittee shall not occupy or make use of any improvements authorized herein until the staff has confirmed that the identified compliance problems have been satisfactorily resolved and has provided the permittee with a Certificate of Occupancy or Use. Failure by the staff to perform such review and inspection and notify the permittee of any deficiencies of the project within this 30-day period shall not be deemed to render the project to be in compliance with the permit, but the permittee may occupy and use the improvements authorized herein.

J. Notice of Assignment

1. Notice to Buyers

Prior to entering into any agreement to transfer any interest in any property subject to this permit, the permittee or any assignee(s) of this permit or any part of it shall provide the third party with a copy of this permit and shall call their attention to any provisions regarding public access or open space or the need to obtain approval of construction plans prior to the commencement of any construction.

2. Assignment of Permit

No more than 10 days after transferring any interest in any property subject to this permit to another party, the transferor(s) shall (a) notify the Commission of the nature of the transfer, the name, address, and telephone number of the transferee, and the effective date of the transfer, and (b) shall also execute and submit for review and approval by Commission counsel a permit assignment document executed and dated by the assignor and assignee or their authorized representatives that contains all of the information specified in section 10830(a) of the Commission's regulations (14 C.C.R. § 10830(a)) and complies with sections 10830(b) or 10830(c), if applicable.

III. Findings and Declarations

This authorization is given on the basis of the Commission's findings and declarations that the work authorized herein is consistent with the McAteer-Petris Act, the San Francisco Bay Plan (Bay Plan), the California Environmental Quality Act (CEQA), and the Commission's amended coastal zone management program for San Francisco Bay for the following reasons:

A. Use

The Bay Plan designates those areas that should be reserved for priority land uses on the Bay shoreline, including ports, water-related industry, water-oriented recreation, airports, and wildlife refuges. The project site is not located in any such Bay Plan-designated priority use areas.

B. Bay Fill

The project does not involve the placement of any Bay fill. All work will take place upland of the Bay shoreline, here measured as the edge of tidal marsh vegetation up to five feet above Mean Sea Level.

C. Public Access

1. Maximum Feasible Public Access to and Along the Shoreline

Section 66602 of the McAteer-Petris Act states, in part, that “existing public access to the shoreline and waters of the ... [Bay] is inadequate and that maximum feasible public access, consistent with a proposed project, should be provided.” Bay Plan Public Access Policy No. 2 also states that “maximum feasible access to and along the waterfront ... should be provided in and through every new development in the Bay or on the shoreline.” Per Section 66632.4 of the McAteer-Petris Act, “within any portion or portions of the shoreline band that are located outside the boundaries of water-oriented priority land uses...the commission may deny an application for a permit for a proposed project only on the grounds that the project fails to provide maximum feasible public access, consistent with the proposed project, to the bay and its shoreline.”

In assessing whether a proposed project provides the maximum feasible public access to the Bay and its shoreline, the Commission has in past cases considered a variety of factors, including existing conditions at the project site, future demand for public access facilities resulting from the proposed project, the physical characteristics of the site and its surroundings, and previous Commission actions on comparable projects.

a. Existing Public Access Facilities

The project site is located along the southwestern shore of the Anza Peninsula, an artificial peninsula constructed from fill in the mid-twentieth century. The project site is comprised of a 134,165-square-foot (3.08-acre) private parcel at 777 Airport Boulevard owned by the permittee and a 39,000-square-foot (0.89-acre) Anza ROW adjacent to the western border of 777 Airport Boulevard. The existing public access facilities at 777 Airport are required by BCDC Permit No. 1980.026.02, the permit issued in 1981 for the now-defunct Red Roof Inn. That permit required a 21,700-square-foot dedicated shoreline public access area that includes a 9- to 10-foot-wide asphalt Bay Trail segment along the shoreline, grassy landscaping, several mature trees, two benches, two trash receptacles,

security lighting, and 11 Public Shore parking spaces. The Red Roof Inn offered 214 hotel rooms, 214 parking spaces (22 of which were located within the 100-foot shoreline band), and a 24-hour café open to the public. Views to the Burlingame Lagoon are limited to the south side of the property along the Bay Trail.

Currently, the public can access the project site from two public thoroughfares: Highway 101 via the Anza Boulevard off-ramp that runs north-south over the project site's western boundary, and Airport Boulevard, which runs east-west along the project site's northern boundary. The public can also access the project site via the Bay Trail, which traces the shoreline along most of the Anza Peninsula. Nearby public transit includes the CalTrain stations at Millbrae, Broadway, and Burlingame; the BART station at Millbrae; SamTrans ECR and FCX bus routes; and the Burlingame Point shuttle route. The site can also be accessed on bike by a Class I Bay Trail segment and a Class II bicycle lane on the west side of the Anza Peninsula.

b. Projected Demand for Public Access

The project authorized herein will redevelop the site into a life sciences campus and will increase the demand for shoreline public access and recreational facilities. The project involves the construction of a new 13-story building with 403,400 square feet of office/R&D space and seven floors for parking. At buildout, the project is expected to accommodate approximately 1,965 daily employees. This is a significant (nearly seven-fold) increase from the 291 average daily guest occupancy at the former Red Roof Inn (based on data reported by Red Roof Inn for the 12-month period from September 2021 to 2022, assuming a density of two guests per room).

Additionally, according to the CEQA Environmental Compliance Checklist completed for the project, a number of planned bicycle network improvements are planned in the vicinity of the project site. Planned new bikeways would improve connectivity to the project's public access area and potentially increase the volume of trail users at the site.

c. Public Access Provided by the Project

The project will completely redevelop the existing public access at 777 Airport Boulevard, adding 2,380 square feet of new public access and significantly improving the existing 21,700-square-foot public access area at the site. These improvements would extend to an adjacent 39,000-square-foot city right-of-way, and would increase connectivity to the shoreline from Anza and Airport Boulevards and provide several new public amenities and attractive recreational opportunities.

In addition to the dedicated public access area described in Special Condition II.B.4.1 (“Total Public Access Area”), the project will also provide 17,420 square feet of plaza space to be made available to the public, including the Linear Plaza along the east face of the building that connects Airport Boulevard to the Shoreline Public Access Area, and the Airport Boulevard Plaza, a public gathering area with seating which will be the first ground-floor feature visible to motorists, pedestrians, and cyclists on Airport Boulevard. These areas will serve to attract visitors to the site and provide pedestrian access to the shoreline from Airport Boulevard.

d. Comparable Projects Approved by the Commission

Table 2 provides a comparison of the public access provided by the project with the public access provided by similar projects that have been approved by the Commission. The projects included were selected because they involved similar site conditions, such as total project area, land use, and/or setting.

TABLE 2: COMPARISON OF PUBLIC ACCESS PROVIDED BY COMPARABLE PROJECTS

Project Name	BCDC Permit Number	Total Project Area (acres)	Office Square Footage	Total Public Access Area (acres)	Public Access Percentage of Total Project Area
200 Twin Dolphin Drive	M1982.113.01	5.71	202,010	1.52	26%
567 Airport Blvd	1982.020.09	12.83	241,679	3.07	24%
3000-3500 Marina Blvd	2018.004.00	8.87	422,522	1.62	18%
777 Airport Blvd	2023.004.00	3.98	403,400	1.47	37%

BCDC Permit No. M1981.113.01 was issued to the Trammell Crow Company and the Redwood Shores Business Center Association for the 200 Twin Dolphin Project, a life sciences redevelopment project located approximately 9.3 miles east of the project site in the City of Redwood City. The proposal involved the demolition of existing office buildings and the construction of a five-story, 202,010-square-foot office/R&D building on a 5.71-acre project site, increasing the projected number of daily employees from 212 to 450. The project resulted in 1.52 acres of total public access, including 0.44 acres of new public access and 1.09 acres of existing public access. Of this total public access area, 1.10 acres were located within the shoreline band and 0.42 acres were located outside the Commission’s jurisdiction.

BCDC Permit No. 1982.020.09 was issued to Peninsula Owner, LLC, for the Peninsula Innovation Point Project, a life sciences redevelopment project located approximately 0.5 miles east of the project site at 567 Airport Boulevard in the City of Burlingame. The proposal involved the demolition of existing office buildings and construction of an eight-story, 241,679-square-foot office/R&D building on a 12.83-acre project site, increasing the projected number of daily employees from between 1,227 and 1,391 to between 1,693 to 1,860. The project resulted in a total public access area of 3.08 acres, including 0.14 acres of new public access and 2.94 acres of existing public access. Of this total public access area, 2.61 acres were located within the shoreline band and 0.46 acres were located outside the Commission's jurisdiction.

BCDC Permit No. 2019.001 was issued to Phase 3 Real Estate Partners, Inc., and Sierra Point, LLC, for development of a life sciences campus located on a formerly vacant lot approximately 8.1 miles south of the project site at 3000-3500 Marina Boulevard in the City of Brisbane. The proposal involved construction of three new multi-level office/R&D buildings totaling 422,522 square feet on an 8.87-acre project site. At build-out the development was projected to serve approximately 800 to 1,200 employees daily. The project included construction of a new 1.62-acre public access area at the site, with 1.11 acres located within the 100-foot shoreline band and 0.5 acres located outside the Commission's jurisdiction.

The 777 Airport Boulevard proposal would result in 403,400 new square feet of office/R&D space, which is more than the amount developed at 200 Twin Dolphin and 567 Airport Boulevard but similar to the amount at 3000-3500 Marina Boulevard. The acreage of total public access area provided by this project is similar to both the projects at 200 Twin Dolphin and 3000-3500 Marina Boulevard; although given the relatively smaller size of the project site, the public access area makes up a larger percentage of the project's total area.

e. Consistency with Maximum Feasible Public Access

At minimum, the project will increase demand for public access from new employees, customers, and other visitors resulting from the proposed office/R&D development. The project will increase the amount of dedicated public access at the site and will improve the existing dedicated access area with amenities to encourage and support increased usage by the public. The dedicated public access area will include approximately 77 percent of the project site within the shoreline band, as well as 2,920 square feet of the site outside of the shoreline band. As discussed above, more than a third of the project site will be dedicated as public access, with the total acreage of public access being similar to comparable projects previously approved by the Commission.

Public Access Policy No. 7 states that “whenever public access to the Bay is provided as a condition of development, on fill or on the shoreline, the access should be permanently guaranteed.” Special Conditions II.B.1 (“Total Public Access Area”), II.B.2 (“Permanent Guarantee”), and II.B.3 (“Recordation of the Instrument”) are provided to ensure that the Total Public Access Area is permanently guaranteed.

For the reasons discussed above, the Commission finds that the project is consistent with its laws and policies regarding maximum feasible public access, consistent with the project, to and along the shoreline.

2. Public Access Improvements

Bay Plan Public Access Policy No. 8 states that “public access improvements provided as a condition of any approval should be consistent with the project, the culture(s) of the local community, and the physical environment, including protection of Bay natural resources, ...and provide for the public's safety and convenience.” This section describes the project improvements proposed within the Total Public Access Area. Consistency of the improvements with relevant Bay Plan policies are discussed in the sections below.

a. Improvements within the Total Public Access Area

The public access provided by the project upgrades the relatively simple condition of the shoreline, which includes the Bay Trail, two benches, a trash receptacle, and plantings, with a more highly programmed and diverse set of publicly accessible uses. The application describes the public access programming as one that “provides a series of outdoor amenities that connect and engage tenants and visitors with the Bayfront district and lagoon. At the shoreline edge, a sloped lawn with integrated seating terraces creates an informal amphitheater overlooking the activity of the Shoreline Plaza and Bay Trail, while providing panoramic views across the lagoon. A layered garden of native perennials, shrubs and trees surround the lawn and plaza to create a comfortable wind-sheltered waterfront microclimate that encourages outdoor work and recreation throughout the year. [...] The project will widen the existing the Bay Trail to 14 feet extend this improved Bay Trail off-site to the edge of the Anza underpass. Inviting night lighting along the Bay Trail and Shoreline Plaza will encourage diverse shoreline activities into the evening hours. Additional shoreline amenities will include overlook seating, communal tables for picnicking or outdoor work, bike racks, a drinking fountain, and lawn seating terraces.”

Special Condition II.B.4 (“Improvements within the Total Public Access Area”) includes a description of the major elements that are to be provided and maintained within the Shoreline Public Access Area. All the improvements discussed above are required to be permanently maintained by and at the expense of the permittee or its assignee(s) by Special Condition II.B.12 (“Maintenance”). To minimize disruptions to the Bay Trail and use of the

Shoreline Public Access Area during construction, permit includes Special Condition II.B.10 (“Minimizing Construction-Related Closures to Public Access”), which requires the permittee to submit for review of construction methods selected so that reasonable measures are employed during construction to maintain access to the shoreline.

b. Bay Trail, Circulation, and Transportation

Bay Plan Public Access Policy No. 10 states, in part, that “[a]ccess to and along the waterfront should be provided by walkways, trails, or other appropriate means and connect to the nearest public throughfare where convenient parking or public transportation may be available.”

The project includes a Bay Trail segment, which will serve as a key pedestrian and bicycle access facility through the site. The project will widen the existing the Bay Trail to 14 feet from its current width of 9 to 11 feet wide, and will extend the improved Bay Trail to the edge of the Anza underpass. The project also proposes pedestrian walkways that would connect the Bay Trail, the roadways, and various site amenities. The walkways would be accessible via entry points along Anza Boulevard and Airport Boulevard, including the corner where the two streets intersect. In addition, the project will provide the Airport Boulevard Plaza along the site’s Airport Boulevard frontage to act as an attractor for visitors approaching along the roadway, as a means of signaling the presence of shoreline access that might otherwise be hidden by the building. The project also will provide the Linear Plaza as a clear public connection from Airport Boulevard Plaza to the Shoreline Public Access Area. Special Condition II.B.5 (“Plaza Connections to Shoreline”) is included to ensure that these critical access points remain open and unrestricted for public use. Special Condition II.B.6 (“Outdoor Dining”) is included in order to allow for activation of the Linear Plaza with outdoor dining uses associated with a restaurant or related amenity that will be available for the public to patronize, while ensuring that the outdoor dining use will not negatively affect the public’s ability to use and circulate through the Linear Plaza. In addition, Special Condition II.B.11 (“Future Public Access Connections to Neighboring Parcels”) is included to ensure coordinates with future neighboring developments to provide trail connections with safe and convenient transitions between sites, including addressing any future changes in grade at those connection points.

Special Condition II.B.7 (“Public Shore Parking”) requires that the project provide a minimum of 12 designated Public Shore parking spaces, including one ADA-accessible space, in the surface parking lot adjacent to the Shoreline Public Access Area. These parking spaces are required to be identified with Public Shore parking signs to clearly signal their location for the public, as required by Special Condition II.B.7 (“Public Access Signage, Wayfinding, and Interpretive Elements Plan”).

Additionally, Special Condition II.B.8 (“Vehicular Access”) is included to ensure that the sole vehicular access route to the Public Shore parking spaces be maintained as open and unobstructed to allow for adequate vehicular and bicycle access from Airport Boulevard.

- c. Ongoing Maintenance, Universal Design, and Cultural Context
Bay Plan Public Access Policy No. 8 states: “Public access improvements provided as a condition of any approval should be consistent with the project, the culture(s) of the local community, and the physical environment, including protection of Bay natural resources, such as aquatic life, wildlife and plant communities, and provide for the public’s safety and convenience. The improvements should be designed and built to encourage diverse Bay-related activities and movement to and along the shoreline, should provide barrier free access for persons with disabilities, for people of all income levels, and for people of all cultures to the maximum feasible extent, should include an ongoing maintenance program, and should be identified with appropriate signs, including using appropriate languages or culturally-relevant icon-based signage.”

Special Condition II.B.9 (“Public Access Signage, Wayfinding, and Interpretive Elements Plan”) is included to ensure that a robust signage program is developed to promote use of the shoreline by the public. This program shall provide detail on the location, quantity, and design of “Public Shore” and Bay Trail signage, “Public Shore” parking signage, directional and wayfinding signage, and interpretive signage as appropriate. The signage program shall ensure that signage is available in an appropriate selection of languages given the populations likely to utilize the park. The signage program shall also identify opportunities to provide accessible forms of signage that employ Universal Design features, which could include tactile features, Braille, or other measures.

Additionally, Special Condition II.B.4 (“Improvements within the Total Public Access Area”) is included to require that all such improvements be designed to ADA standards, and Special Condition II.A (“Plan Review”) provides Commission staff an opportunity to ensure that construction documents include feasible measures to provide barrier-free design of all public access features.

As previously stated, special Condition II.B.12 (“Maintenance”) establishes that all facilities provided within the Public Access Area are to be maintained by or at the expense of the permittee and/or its assignee(s).

D. Environmental Justice and Social Equity

The Commission finds that the project, as conditioned, is consistent with San Francisco Bay Plan policies related to environmental justice and social equity for the following reasons.

1. Community Profile

Bay Plan Environmental Justice and Social Equity Policy No. 4 states: “If a project is proposed within an underrepresented and/or identified vulnerable and/or disadvantaged community, potential disproportionate impacts should be identified in collaboration with the potentially impacted communities. Local governments and the Commission should take measures through environmental review and permitting processes, within the scope of their respective authorities, to require mitigation for disproportionate adverse project impacts on the identified vulnerable or disadvantaged communities in which the project is proposed.”

The Commission has developed a Community Vulnerability Mapping Tool to help inform its analysis of how socioeconomic indicators and contamination burdens contribute to a community’s vulnerability. The mapping tool collects information at the level of Census blocks and tracts and can be used by the Commission to help identify certain disadvantaged and vulnerable communities. These communities include those disproportionately affected by environmental pollution and hazards that can lead to negative public health effects or environmental degradation, as well as those with higher concentrations of people with socioeconomic characteristics associated with a higher degree of social vulnerability. The mapping tool thus helps inform the Commission on how and where community engagement should occur, and what issues may be of relevance in the Commission’s review.

According to the Commission’s Community Vulnerability Mapping Tool, the project is located in an area of “low social vulnerability” and “lower contamination vulnerability” and thus not within an identified vulnerable or disadvantaged community. Within 1 to 2 miles southeast of the project site, on the other side of Highway 101, the Community Vulnerability Mapping Tool shows areas of “high” or “highest” social vulnerability. Social vulnerability in the area is associated with indicators for children under 5, people over 65 living alone, people with no high school degree, people with limited English proficiency, people who are not U.S. citizens, and people with very low income.

2. Community Outreach and Engagement

Bay Plan Environmental Justice and Social Equity Policy No. 2 states that “addressing issues of environmental justice and social equity should begin as early as possible in the project planning process.” The proposed project has involved noticing and public hearings typical of the City of Burlingame’s local entitlement process, which began in early 2022.

Policy No. 3 states that “equitable, culturally-relevant community outreach and engagement should be conducted by local governments and project applicants to meaningfully involve potentially impacted communities for major projects... in underrepresented and/or identified vulnerable and/or disadvantaged communities, and such outreach and engagement should continue throughout the Commission review and permitting processes,” and that “evidence of how community concerns were addressed should be provided.” Additionally, Bay Plan Public Access Policy No. 5 states that “Public access that substantially changes the use or character of the site should be sited, designed, and managed based on meaningful community involvement to create public access that is inclusive and welcoming to all and embraces local multicultural and indigenous history and presence. In particular, vulnerable, disadvantaged, and/or underrepresented communities should be involved. If such previous outreach and engagement did not occur, further outreach and engagement should be conducted prior to Commission action.”

As discussed above, the project is located in an area identified by BCDC’s Community Vulnerability Mapping Tool as having “low social vulnerability,” although there are areas identified as having higher social vulnerability nearby. In April 2022, the permittee conducted outreach to a number of community-based environmental and environmental justice organizations (CBOs) via emails introducing the project and inviting feedback. The applicant received responses from Acterra, Citizens Committee to Complete the Refuge, Committee for Green Foothills, Golden Gate Audubon, Santa Clara Valley Audubon Society, Sequoia Audubon Society, and Sierra Cub Loma Prieta and followed up with meetings with the CBOs to discuss the project. The permittee reported that comments received focused mostly on bird-safe design and sustainability features such as electric vehicle charging stations.

Additionally, the local approval process included public meetings before the Planning Commission, where a commenter encouraged the permittee to incorporate landscaping along Anza and Airport Boulevards and the provision of bicycle racks and lighting, as well as childcare and a rooftop restaurant within the building. The permittee also presented the project at a public meeting held by the Burlingame Chamber of Commerce Board of Directors on October 11, 2022, where the discussion centered around community benefits, sustainability features, and the fees that would be paid to the City.

The permittee has stated that they considered the costs, benefits, and feasibility of all comments received from the community in public hearings and through other channels. The final design was informed by these comments, including changes to the landscaping along the roadways, bike racks, lighting, and environmental features.

E. Shoreline Protection

Bay Plan Shoreline Protection Policy No. 1 allows for the authorization of shoreline protection projects where, among other things: “(a) the project is necessary to provide flood or erosion protection for (i) existing development, use or infrastructure... (b) the type of the protective structure is appropriate for the project site... [and] (c) the project is properly engineered to provide erosion control and flood protection for the expected life of the project based on a 100-year flood event that takes future sea level rise into account.” The riprap revetment authorized as part of this project is necessary to protect the shoreline project site from tidal erosion and eventual failure of the existing revetment, which consists of poorly installed concrete rubble visibly undergoing differential settlement. Bay Plan Shoreline Protection Policy No. 5 provides that “ecosystem benefits, including habitat and water quality improvement, should be considered in determining the amount of fill necessary for the project purpose. Suitability and sustainability of proposed shoreline protection and restoration strategies at the project site should be determined using the best available science on shoreline adaptation and restoration.”

In the original application for the project, the permittee’s initial shoreline protection proposal involved the complete removal and replacement of the existing armoring with 16,780 square feet of new riprap that would have required approximately 750 cubic yards of Bay fill over a 2,300-square-foot area below the Mean High Water Line (MHWL). The project authorized in this permit, based on the permittee’s amended application, includes a shoreline protection component that will leave the existing shoreline armoring in place. It would involve building a short retaining wall and placing 3,000 square feet of new riprap on top of the existing armoring. This revetment will be placed at a minimum elevation of 2 feet above the MHWL, thus avoiding Bay fill and in-water construction activities that may have adverse impacts on the lagoon and associated natural resources. The amended revetment plan is authorized subject to the conditions in Special Condition II.D (“Shoreline Protection”).

Bay Plan Shoreline Protection Policy No. 5 also requires that “all shoreline protection projects should evaluate the use of natural and nature-based features.” According to the permittee’s site assessment, the shoreline at the site is horizontally constrained in several locations, particularly where horizontal space is limited along the Anza Bridge embankment and the required EVA/Access Drive at the southwest corner of the building, and that softer ‘living shoreline’ reinforcement solutions with shallower slopes that require more horizontal space would be infeasible without extending the shoreline slope out into the lagoon, which would constitute Bay fill.

Bay Plan Shoreline Protection Policy No. 3 provides that riprap revetments “should be constructed of properly sized and placed material that meet sound engineering criteria for durability, density, and porosity,” and that materials used “be placed according to accepted engineering practice.” Shoreline Protection Policy No. 4 provides that shoreline protection projects “should be regularly maintained according to a long-term

maintenance program to assure that the shoreline will be protected from tidal erosion and flooding.” Special Condition II.D (“Shoreline Protection”) establishes criteria for the material, maintenance, and placement of riprap at the project site.

F. Flooding and Sea Level Rise

The Commission’s Bay Plan Public Access Policy No. 6 states that “public access should be sited, designed, managed and maintained to avoid significant adverse impacts from sea level rise and shoreline flooding.”

In determining the viability of public access areas in the event of future sea level rise, the Commission looks to the Bay Plan’s Climate Change policies. Bay Plan Climate Change Policy No. 2 states: “When planning shoreline areas or designing larger shoreline projects, a risk assessment should be prepared by a qualified engineer and should be based on the estimated 100-year flood elevation that takes into account the best estimates of future sea level rise and current flood protection and planned flood protection that will be funded and constructed when needed to provide protection for the proposed project or shoreline area. A range of sea level rise projections for mid-century and end-of-century based on the best scientific data available should be used in the risk assessment. Inundation maps used for the risk assessment should be prepared under the direction of a qualified engineer. The risk assessment should identify all types of potential flooding, degrees of uncertainty, consequences of defense failure, and risks to existing habitat from proposed flood protection devices.”

1. Risk Assessment

As part of their application, the permittee provided the “777 Airport Boulevard Sea-level Rise Flood Risk Assessment,” (“Risk Assessment”), prepared by ESA and dated November 10, 2022. Following the material amendment of the permit application involving changes to the project’s shoreline protection, ESA prepared an update to the Risk Assessment, dated November 10, 2022, to address any potential changes to the assessment due to project changes.

Consistent with the Commission’s Bay Plan policies, the Risk Assessment incorporates the best-available science summarized in the 2018 State of California Sea-Level Rise Guidance (“2018 State Guidance”) prepared by the California Ocean Protection Council. The 2018 State Guidance includes a range of sea level rise projections for use in decision making. On one end of this range, a “low risk aversion scenario” is included for instances where decision-makers can be fairly risk tolerant, in that the project is easily adapted and/or the consequences of failure are low. On the other end of this range, an “extreme risk aversion scenario” is included for projects that have little to no adaptive capacity, would be irreversibly destroyed or significantly costly to relocate/repair, or would have considerable public health, public safety, or environmental impacts should they be impacted by projected sea level rise.

The Risk Assessment is based on “medium-high risk” aversion planning scenario included in the the 2018 State Guidance. According to the 2018 State Guidance, this planning scenario is appropriate to provide “a precautionary protection that can be used for less adaptive, more vulnerable projects or populations that will experience medium to high consequences as a result of underestimating sea level rise.” The Commission has frequently analyzed applications for similar projects that provide significant shoreline public access improvements under the medium-high risk aversion planning scenario. The medium-high risk projections are chosen such that the likelihood that sea level rise will meet or exceed the projections is low (though they may underestimate the potential for extreme sea level rise). The Risk Assessment assumed a high-emissions scenario, which is a common assumption in the preparation of risk assessments. Based on the projections from the 2018 State Guidance, the analysis anticipates that 1.9 feet of sea level rise will occur in 2050, and that 6.9 feet of sea level rise will occur in 2100.

2. Flood Hazards at Project Site

The Risk Assessment examines the risk of flooding at the project site from several potential sources. The Risk Assessment found that given the location of the project site on a mostly enclosed lagoon, wind- wave runup and overtopping are considered to contribute negligible flood hazards. Likewise, the project’s location along the inner shore of the Anza Peninsula, approximately 2,000 feet from the point where the Sanchez Canal drains into the Burlingame Lagoon, protects it from rapid creek discharge that may raise the water level at properties closer to the creek mouth. The Risk Assessment reports no risk of groundwater flooding based on the assumption that groundwater elevations match the average Bay water levels, or mean sea level, which is 3.3 feet at this location, while the project will raise the shoreline up to a minimum of +14 feet.

The Risk Assessment identifies sea level rise as the most likely source of flooding at the project site. The current elevation of the project site is +11 to +12 feet relative to the North American Vertical Datum of 1988 (NAVD88), and Base Flood Elevation for this site is +10 feet. If the site remained unchanged, under the medium-high risk aversion scenario projection of 1.9 feet of sea level rise at 2050, the site would be inundated at mid-century.

3. Flood Resiliency Measures at Project Site

Bay Plan Climate Change Policy No. 3 states, in part: “To protect public safety and ecosystem services, within areas that a risk assessment determines are vulnerable to future shoreline flooding that threatens public safety, all projects—other than repairs of existing facilities, small projects that do not increase risks to public safety, interim projects and infill projects within existing urbanized areas—should be designed to be resilient to a mid-century sea level rise projection.”

The project's primary flood resilience measure will be the installation of a riprap revetment. The project will replace the upper portion of the existing shoreline armoring, which consists of degraded concrete rubble, with a retaining wall that is 24 to 30 inches high relative to the lagoon side and expressed as a 6-inch-high curb from the Bay Trail side. Riprap with a 2:1 protected slope will transition to the grade of the existing armoring along the shoreline. The revetment will extend up to a crest elevation of about +14.9 feet, approximately 0.5 feet higher than the ground surface crest along the shoreline. The riprap revetment would thus protect the Shoreline Public Access Area from erosion up to the 100-year flood elevation plus four feet of sea level rise. The Risk Assessment, which incorporates site-specific geotechnical assessments conducted by qualified engineers, states that the rock in this revetment will be sized to withstand the anticipated hydraulic forces from currents and waves along this stretch of shoreline.

In addition to installing a riprap revetment, the project will also raise the majority of the Shoreline Public Access Area, including the Bay Trail, to a minimum elevation of +13.9 feet. The crest elevation along most of the Shoreline Public Access Area will be increased to at least +14.0 feet, and reach as high as +14.9 feet at the midpoint. Under the medium-high risk aversion scenario, which projects a 100-year flood level of +11.9 feet in 2050, the Shoreline Public Access Area would be protected from flooding Beyond mid-century and and potentially at least through 2070, when water levels are projected to be +13.5 feet, or 2080, with water level projections of +14.5 feet.

Public Access Policy No. 7 states: "Any public access provided as a condition of development should either be required to remain viable in the event of future sea level rise or flooding, or equivalent access consistent with the project should be provided nearby." Although the project's proposed shoreline protection plan would protect the site from direct coastal overtopping, in extreme storm events, the site would still be vulnerable to flooding at the edges, where the grades must be lowered to meet the levels of the neighboring properties. If flood damage were to occur, Special Condition II.B.6 ("Maintenance") requires the permittee to conduct any necessary repairs to the public access facilities. Furthermore, any flooding event (or the year 2050, whichever occurs sooner) would trigger Special Condition II.C.1 ("Flood Reports"), which requires the permittee to report the flooding. In that event, Special Condition II.C.2 ("Revision of Risk Assessment") requires the permittee to subsequently prepare and submit a revision of the Risk Assessment document, and Special Condition II.C.3 ("Sea Level Rise Adaptation Planning and Implementation") requires the permittee to follow the Revised Risk Assessment with an adaptation plan for future flood events.

4. Adaptive Management

Bay Plan Climate Change Policy No. 3 also states: “If it is likely the project will remain in place longer than mid-century, an adaptive management plan should be developed to address the long-term impacts that will arise based on a risk assessment using the best available science-based projection for sea level rise at the end of the century.”

The Risk Assessment prepared by ESA included a discussion of future adaptation capacity for the site. The Risk Assessment notes that the City of Burlingame and County of San Mateo are currently planning to construct and maintain a continuous FEMA-accredited coastal levee system with a crest elevation of at least +16 feet NAVD88, and that the site has capacity to be integrated into such a levee system. If the project were to raise the shoreline crest elevation to +16 feet NAVD88 as part of a continuous levee system on adjoining parcels, the system would be projected to be resilient to overtopping at the 100-year flood level until sea level rise exceeds six feet.

As previously described, Special Condition II.C.2 (“Revision of Risk Assessment”) requires the permittee to subsequently prepare and submit a revision of the Risk Assessment document by mid-century or when flooding first takes place within the public access areas, and Special Condition II.C.3 (“Sea Level Rise Adaptation Planning and Implementation”) requires the permittee to follow the Revised Risk Assessment with an adaptation plan for future flood events. These conditions will ensure that future adaptation planning will include well-researched, appropriate set of adaptation measures based on site conditions at such a time when it is needed. Special Condition II.C.3 also requires that both the Adaptive Measures pursued by the project and the Implementation Schedule are reviewed by or on behalf of the Commission. Prior to implementing future adaptation measures, the permittee may be required to obtain a permit or permit amendment from the Commission, subject to the Commission’s law and policies then in effect.

G. Regional Project Database

To better understand the impact of shoreline protection measures and habitat restoration over time, their impact on adjacent and nearby areas, and the regional context for sea level rise adaptation, consistent with Bay Plan policies, including Shoreline Protection Policies Nos. 1(e), 1(f), and 4 and Climate Change Policies Nos. 2, 3, and 6, Special Condition II.D.4 (“Regional Project Database”) is included to require the permittee to contribute information about the project and all relevant plans and monitoring reports to a regional project database (EcoAtlas Project Tracker, ptrack.ecoatlas.org) which has been developed to catalog such information. The entry of project details will be used by the Commission and partner agencies to support regional decision-making and planning, and to better understand the cumulative impacts of projects involving shoreline protection and habitat restoration.

H. Design Review Board

Bay Plan Public Access Policy No. 13 states, in part: “The Design Review Board should advise the Commission regarding the adequacy of the public access proposed. The Design Review Board should encourage diverse public access to meet the needs of a growing and diversifying population.” The Commission’s Design Review Board (DRB) reviewed the project at a public hearing on May 9, 2022, where the project received a generally favorable response with several recommendations for improvement. In response to the DRB’s feedback, the project was modified to incorporate many of the DRB’s recommendations, including the following:

1. **Surface Parking.** The parking configuration presented to the DRB positioned the 11 Public Shore parking spaces along the north side of the access drive, and the DRB suggested shifting the spaces to the south side. The parking area was reconfigured to shift two of the Public Shore spaces to the south side of the drive to enable the Public Shore spaces and shared ADA spaces to be as close as possible to the Shoreline Public Access Area.
2. **Access from Anza Boulevard.** The DRB commented that Anza is not a pedestrian-focused roadway and the pedestrian access as designed would be easy to miss. The DRB recommended widening the pedestrian path and using the EVA as pedestrian access. The pedestrian access path from Anza Boulevard to the Shoreline Public Access Area was widened from 8 feet to 12 feet and bollard lights were added to the design to enhance nighttime circulation and visual connectivity. The sidewalk along Anza Boulevard was also widened from 4 feet to 6.5 feet to improve pedestrian connectivity. Additionally, the permittee determined that the EVA will be closed to daily vehicular traffic from Anza Boulevard so that it can be used by pedestrians to access the shoreline and west side of the building.
3. **Access from Airport Boulevard.** The DRB commented that the Airport Boulevard Plaza was not inviting as a public space and that it felt like an extension of the building lobby. The Airport Boulevard Plaza was redesigned to be more welcoming to members of the public walking or driving along Airport Boulevard. Additionally, the building and landscape was redesigned to create a clearly public, continuous Linear Plaza connecting Airport Boulevard to the Shoreline Public Access Area.
4. **Visual Access to the Shoreline.** The DRB urged the permittee to increase visibility of the shoreline from the roadways and create visual access at the ground level. In response, the southern building façade was pulled back, increasing the the square footage available for public use by 152 square feet and expanding ground-level views to the shoreline from Airport Boulevard.

5. **Public Character.** The DRB commented that the character of the project was primarily that of a corporate campus, and there were concerns about the public experience of being in a park next to a 6-story parking garage. The DRB recommended that the permittee consider how the building design could better complement the public space. The project was redesigned to increase activation the ground level through the public plazas, café, public art, and interpretive programming along the east, west, and south faces of the building. The garage massing, cladding, and materiality was redesigned to be continuous with the upper floors to minimize the the presence of the garage.
6. **Stormwater.** The DRB questioned whether the site elevations, where the perimeter would be higher than the interior, would cause stormwater to flow into the public access area. The site has been designed with a bioretention system to retain the first 1.25 inches of rain per City of Burlingame requirements.

I. **Coastal Zone Management Act**

The Commission further finds, declares, and certifies that the activity or activities authorized herein are consistent with the Commission's Amended Management Program for San Francisco Bay, as approved by the Department of Commerce under the Federal Coastal Zone Management Act of 1972, as amended.

J. **Environmental Review**

On November 22, 2022, the City of Burlingame, as lead agency, issued a Notice of Determination that the project is covered by the City of Burlingame General Plan Environmental Impact Report (SCH No. 2017082018), previously certified on January 7, 2019, and does not require further environmental review under the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15183. Based on a CEQA Environmental Compliance Checklist completed for the project in November 2022, the City found that the project would not result in new significant project-specific environmental effects which are peculiar to the project or its site that was not previously addressed in the prior EIR and that the project is required to comply with the relevant mitigation measures from the General Plan Program EIR and Mitigation Monitoring and Reporting Program.

Following the City's Notice of Determination, and while BCDC staff was processing the permit application for the project the permittee changed the design of the project's shoreline development component resulting in a material amendment to a pending major permit application for purposes of 14 CCR section 10371 of BCDC's regulations. (See also further explanation in Authorization Section I.B above.) Upon inquiry by BCDC staff as to the significance of the project change in relation to the City's prior CEQA determination and compliance, the City of Burlingame further determined that the project changes did not require any additional local discretionary approvals and that the determination of the applicability of CEQA Guidelines section 15183 continues to apply to the amended project.

K. Enforcement Program and Civil Penalties

The Commission has an enforcement program that reviews its permits for compliance. The Commission may issue cease and desist and civil penalty orders if violations are discovered. The McAteer-Petris Act provides for the imposition of administrative civil penalties ranging from \$10 to \$2,000 per day up to a maximum of \$30,000 per violation. The Act also provides for the imposition of court-imposed civil penalties of up to \$30,000 in addition to any other penalties, penalties for negligent violations of between \$50 and \$5,000 per day, knowing and intentional penalties of between \$100 and \$10,000 per day, and exemplary penalties, which are supplemental penalties, in an amount necessary to deter future violations. In addition, anyone who places fill, extracts materials, or makes any substantial change in use of any water, land or structure within the area of the Commission's jurisdiction without securing a permit from the Commission is guilty of a misdemeanor.

IV. Standard Conditions

A. Permit Execution

This permit shall not take effect unless the permittees execute the original of this permit and return it to the Commission within ten days after the date of the issuance of the permit. No work shall be done until the acknowledgment is duly executed and returned to the Commission.

B. Notice of Completion

The attached Notice of Completion and Declaration of Compliance form shall be returned to the Commission within 30 days following completion of the work.

C. Permit Assignment

The rights, interests, and obligations contained in this permit are assignable in full or in part. This permit shall be assigned when the permittee transfers any interest in any real property on which an activity is authorized by a permit to occur, or which is necessary to achieve full compliance with one or more conditions of a permit. To assign this permit the permittee-assignor and the assignee shall execute and submit for review and approval by Commission counsel a permit assignment document executed and dated by the assignor and assignee or their authorized representatives that contains all of the information specified in section 10830(a) of the Commission's regulations (14 C.C.R. § 10830(a)) and complies with sections 10830(b) or 10830(c), if applicable.

D. Permit Runs with the Land

Unless otherwise provided in this permit, the terms and conditions of this permit shall bind all future owners and future possessors of any legal interest in the land and shall run with the land.

E. Other Government Approvals

All required permissions from governmental bodies must be obtained before the commencement of work; these bodies include, but are not limited to, the U. S. Army Corps of Engineers, the State Lands Commission, the Regional Water Quality Control Board, and the city or county in which the work is to be performed, whenever any of these may be required. This permit does not relieve the permittees of any obligations imposed by State or Federal law, either statutory or otherwise.

F. Built Project must be Consistent with Application

Work must be performed in the precise manner and at the precise locations indicated in your application, as such may have been modified by the terms of the permit and any plans approved in writing by or on behalf of the Commission.

G. Life of Authorization

Unless otherwise provided in this permit, all the terms and conditions of this permit shall remain effective for so long as the permit remains in effect or for so long as any use or construction authorized by this permit exists, whichever is longer.

H. Commission Jurisdiction

Any area subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission under either the McAteer-Petris Act or the Suisun Marsh Preservation Act at the time the permit is granted or thereafter shall remain subject to that jurisdiction notwithstanding the placement of any fill or the implementation of any substantial change in use authorized by this permit. Any area not subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission that becomes, as a result of any work or project authorized in this permit, subject to tidal action shall become subject to the Commission's "Bay" jurisdiction.

I. Changes to the Commission's Jurisdiction as a Result of Natural Processes

This permit reflects the location of the shoreline of San Francisco Bay when the permit was issued. Over time, erosion, avulsion, accretion, subsidence, relative sea level change, and other factors may change the location of the shoreline, which may, in turn, change the extent of the Commission's regulatory jurisdiction. Therefore, the issuance of this permit does not guarantee that the Commission's jurisdiction will not change in the future.

J. Violation of Permit May Lead to Permit Revocation

Except as otherwise noted, violation of any of the terms of this permit shall be grounds for revocation of the permit. The Commission may revoke the permit for such violation after a public hearing held on reasonable notice to the permittees or their assignees if the permit has been effectively assigned. If the permit is revoked, the Commission may

determine, if it deems appropriate, that all or part of any fill or structure placed pursuant to this permit shall be removed by the permittees or their assignees if the permit has been assigned.

K. Should Permit Conditions be Found to be Illegal or Unenforceable

Unless the Commission directs otherwise, this permit shall become null and void if any term, standard condition, or special condition of this permit shall be found illegal or unenforceable through the application of statute, administrative ruling, or court determination. If this permit becomes null and void, any fill or structures placed in reliance on this permit shall be subject to removal by the permittees or their assignees if the permit has been assigned to the extent that the Commission determines that such removal is appropriate. Any uses authorized shall be terminated to the extent that the Commission determines that such uses should be terminated.

L. Permission to Conduct Site Visit

The permittees shall grant permission to any member of the Commission's staff to conduct a site visit at the subject property during and after construction to verify that the project is being and has been constructed in compliance with the authorization and conditions contained herein. Site visits may occur during business hours without prior notice and after business hours with 24-hour notice.

M. Abandonment

If, at any time, the Commission determines that the improvements in the Bay authorized herein have been abandoned for a period of two years or more, or have deteriorated to the point that public health, safety or welfare is adversely affected, the Commission may require that the improvements be removed by the permittees, their assignees or successors in interest, or by the owner of the improvements, within 60 days or such other reasonable time as the Commission may direct.

N. Best Management Practices

1. Debris Removal

All construction debris shall be removed to an authorized location outside the jurisdiction of the Commission. In the event that any such material is placed in any area within the Commission's jurisdiction, the permittees, their assignees, or successors in interest, or the owner of the improvements, shall remove such material, at their expense, within ten days after they have been notified by the Executive Director of such placement.

2. Construction Operations

All construction operations shall be performed to prevent construction materials from falling, washing or blowing into the Bay. In the event that such material escapes or is placed in an area subject to tidal action of the Bay, the permittees shall immediately retrieve and remove such material at their expense.

O. In-Kind Repairs and Maintenance

Any in-kind repair and maintenance work authorized herein shall not result in an enlargement of the authorized structural footprint and shall only involve construction materials approved for use in San Francisco Bay. Work shall occur during periods designated to avoid impacts to fish and wildlife. The permittee shall contact Commission staff to confirm current restricted periods for construction.