



REQUEST FOR PROJECT PROPOSALS: 410 AIRPORT BOULEVARD, BURLINGAME

FREQUENTLY ASKED QUESTIONS

General Questions

1. Is it possible to receive a list of all parties that registered as an interested party?

Staff will add a link to the Request for Project Proposals webpage with copies of all the interested party forms received (<https://www.slc.ca.gov/lease-opportunity/burlingame/>).

2. Will the audited financials, budgets, and project proforma (e.g., Profit and Loss, Cash Flow and Operating Expenses) remain confidential through the entire process?

As stated in Section 5 of the Request For Project Proposals (Page 9), "All proposals and other communications from interested parties shall be open to inspection by the public upon request immediately after a lease has been authorized by the Commission unless Commission staff find that it meets the disclosure exemption requirements of the California Public Records Act (PRA). If a Respondent is unsure if its confidential or proprietary materials meets the disclosure exemption requirements of the PRA, then it should not include such information in its proposal."

3. Can Respondents mark confidential or submit separately any financial information they wish to remain confidential?

Respondents may mark any information submitted as confidential; however, the material is still subject to the California Public Records Act (PRA) and may be released to the public unless Commission staff find that an exemption applies.

4. Is there an update on the timing for the Commission to respond back to the final pool of Respondents selected?

Staff will release a response date once we know how many submissions have been received. Staff hopes to have a response available 30-60 days after July 26th.

5. Is there an update on the timing for the Commission to provide notification of final award date?

This date will depend on the staff time needed to complete the Request for Project Proposals process detailed in the Request for Project Proposals document in addition to the Commission's meeting schedule. Staff will provide public notice of when the application for a Short-Term Lease will be brought before the Commission for consideration.

6. Is there any outstanding litigation with respect to the property?

No. There is no outstanding litigation with respect to the property.

7. Is there a preferred format for the budgets or examples from other projects?

Staff does not have a preferred format or examples.

8. Will all submitted questions from all the interested parties, together with the answers, be provided to all the interested parties?

Yes. All questions and answers are being provided through this Frequently Asked Questions document and are being posted to the Commission's website. Please note that some questions have been combined and rephrased to respond more efficiently and effectively.

9. Will there be additional opportunities to ask questions before July 26?

Staff does not plan to answer any additional questions. However, if a significant clarification is required, staff will provide that clarification to all.

10. The submittal requirements in the Request for Project Proposals vary from the staff report description of the submittal requirements. Does the Request for Project Proposals take precedent over the staff report or do Respondents need to comply with both?

The Request for Project Proposals does not take precedent over the staff report. Submittals should comply with both.

11. Can the Respondent's vendor references come from vendors involved in preparing the Respondent's proposal?

The Respondents may use any vendor they choose. Staff recommends using vendor references for which the Respondent has the longest working relationships.

12. For Evaluation Criterion A.5, what credit reporting is required of a non-profit Respondent?

Dun and Bradstreet scores non-profit as well as for-profit organizations. If you have no established and verifiable credit history, please explain.

13. For Evaluation Criterion B.2, should the Respondent provide information on income-generating components of the proposed use, even if the Respondent's financial plan does not depend on any profit generated from the proposed use?

The Respondent should be clear about where operational funds will come from. If income generation components of the use will not be needed for operation, the Respondent should still detail what income-generating uses are intended along with a discussion on proposed pricing and pricing policy.

14. For Evaluation Criteria C, is the information requested different from the information requested in Submittal G (Project Financial Pro Forma and Financial Feasibility Analysis)? If yes, please explain.

Evaluation Criteria C and Submittal G are the same.

15. Does the Commission have an aquatic park landscape architect they have worked with?

The Commission has not worked with any aquatic park landscape architects.

16. Who should a letter of support be addressed to?

California State Lands Commission
Attn: Marlene Schroeder
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825-8202
or Burlingame@slc.ca.gov

Short-Term Lease Questions

1. Do Respondents need to complete the entire Application for Lease for the Short-Term Lease? (Please note that there are portions of the application that will be difficult to complete without the input from the Commission and possibly other governmental agencies.)

Staff recommends filling out all applicable sections of the application for the Short-Term Lease. The Respondent should explain why a section or question is unanswered or incomplete. While staff recognizes that input from the Commission and other agencies could be helpful, staff expects Respondents to do their best based on their experience.

2. Is there a different lease application for the Short-Term Lease than what is provided? Or do Respondents take the existing Submittal B and relabel it as "Application for Interim-Term Lease of State Lands"?

Submittal B is the application for the Short-Term Lease. No relabeling needed.

3. Will the Application for Lease for the Short-Term Lease and related improvements require a California Environmental Quality Act (CEQA) review?

Yes. All discretionary actions by the Commission require compliance with CEQA. Therefore, it is important to provide a detailed project description for the Short-Term Lease, including all work to be conducted and how it will be performed. In addition, Respondents should detail all potential studies and site analysis that will be required over the term of the Short-Term Lease for the Respondent to complete their site investigations.

4. Is soil testing, and other testing needed for sea wall/sea level rise activities on the site, permitted uses under the Short-Term Lease?

In order for these activities to be permitted under the Short-Term Lease the activities should be identified in the Short-Term Lease application to ensure these activities are analyzed under CEQA.

5. Vesting Deeds for Neighboring Parcels (Part 1, Sec. E): Do Respondents have to submit these since Respondents are not doing any activities on neighboring parcels?

Because there is public access to the property the Respondent will not need to provide evidence of their ability to access the subject property. Therefore, no vesting document, lease, permit, or other evidence of Respondent's right to access or use this property is required.

6. **Applications to Other Govt. Agencies (Part 1, Sec. F):** Amendment #1 seems to imply this, but please confirm that at this stage of the Request for Project Proposals submittal, there is no expectation of applications under 1., 2. and 4., since no applicant has been chosen. There is no expectation that applications will be submitted to any other government agencies before the Commission authorizes a Short-Term Lease.

7. **Existing Pipeline (Part II, Sec. A):** Due to the limited amount of information, Respondents cannot answer this question. Does the Commission know whether there is an existing pipeline?

Staff urges Respondents to answer all questions in the application. Based on what the Respondent knows the answer to some of the questions might be, 'not applicable' or 'unknown.' Staff is not aware of any pipelines within the property but understands there are existing utilities within Airport Boulevard and Bay View Place.

8. **Sea Level Rise and Engineering Standards (Part II, Sec. 6.1.1.):** Given the limited amount of time and property information, it is impossible to answer this question. Can Respondents provide an unverified conceptual strategy for sea level rise?

The application is for the Short-Term Lease. The life of the 'project' would be the term of the Short-Term Lease.

9. **Launching Facility (Part II, Sec. B.2.d.-3):** Is a beach where kayaking could occur deemed to be a "launching facility" for purposes of this section? Is it deemed a "Berthing Facility"?

The application is for the Short-Term Lease. If the chosen Respondent has a beach area where kayaks can be launched, then that would be a launching facility and not a berthing facility.

10. **Public Benefits (Part II, Sec. B.4.):** What distance radius should Respondents apply to "vicinity" where it is used as "other facilities in the vicinity of the proposed project site"? And which public benefits should be the focus (e.g., all possible public benefits such as SFO? Golf course? Hotels? etc.?) or should it be limited to parks and similar facilities?

Generally speaking, in a location like this, a radius of about 1 mile would likely be representative of the vicinity. However, Respondents may choose to go further. A list of general public benefits in the area is not what this subsection is asking for. This subsection is asking for benefits the proposed project will provide that are also provided for within the vicinity. Therefore, SFO or a golf course would not be mentioned unless you were planning to build an airport or golf course over the Short-Term Lease.

11. **Topography (Part III, Sec. A.1-2):** Applicants do not have topographical information on the site and adjacent parcels. Is it available from the Commission or is there an expectation that responses will not be able to address this? Without a topographic survey, applicants can't plan on the base elevations needed to respond to Submittal H Sea Level Rise and Climate Change Adaption Strategy as "approximately 11' elevation" is not uniformly applicable to the entire site.

The application is for the Short-Term Lease. Staff understands that the Respondents will not have the opportunity to conduct a topographical survey.

12. Should the Short-Term Lease application be tailored to the “Key Lease Terms” outlined in the Request for Project Proposals, or toward the terms stated in the Sample Short-Term Lease?

The Key Lease Terms are generally reflected in the Short-Term Lease Sample. The Short-Term Lease Sample provides additional information that may be included in the lease and can provide a general framework for Respondents to work with. However, any final lease terms are subject to change and must be approved by the Commission. Due to the additional detail, it would be beneficial for the lease application to be tailored to the Short-Term Lease Sample.

13. In Part I, Section D of the lease application (Type of Project and Authorization), should the Respondent select “lease for the continuation of existing use of state-owned land not previously under lease,” or “lease or permit for a proposed new use of state-owned land”?

“A lease for the continuation of an existing use of State-owned land not previously under lease.”

14. The Amendment to the RFP states that no local approvals are anticipated for the term of the Short-Term Lease. Is it also true that no approvals by other agencies listed in Part I, Section F, questions 1 & 2 (San Francisco Bay Conservation and Development Commission (BCDC), Army Corps of engineers, etc.) are anticipated for the term of the interim lease?

Staff does not anticipate approvals needed from other agencies; however all Lessee's are responsible for verifying that they are in compliance with all permitting requirements. A lease from the Commission does not take the place of any other required permit approvals.

15. Section 1, Land Use or Purpose, states: “...installing protective railing and/or fencing along the edge of the bay ...” Is this a requirement for the northern edge? Why is this a requirement? What is the vision for its location so as not to interfere with popular fishing activities and overall enjoyment of the waterfront?

A railing or fence along the water's edge is not required, but staff would understand if a Respondent proposed to put some kind of barrier to keep the public safe from any potential hazards associated with the shoreline. If the Respondent removes potential hazards along the shore the Respondent may feel that no barrier is necessary.

16. Section 1, Land Use or Purpose, states: “...improving the trail surface ...” Is this considered construction?

The answer to this might differ depending on the specific proposal. Generally, staff had thought that Respondents would repair and maintain the existing trail for the term of the Short-Term Lease.

17. Improvements within BCDC's 100-foot shoreline band will require BCDC approval. BCDC may not approve protective railing or fencing at the edge of the bay. Has SLC had any conversations with BCDC regarding the site and the bay edge condition?

The Commission has not had any conversations with BCDC, but all Respondents should understand that the Commission cannot require a Lessee to take any action in conflict with state permitting requirements.

18. Section 2, Item 2, Sea Level Rise, states: "...keep the pedestrian access gate unlocked." Which pedestrian gate does this refer to?

The pedestrian gate near the Sanchez Channel and Airport Boulevard. It is close to the Sherman sign. This gate allows pedestrian access through the site.

Long-Term Lease Questions

1. Do Respondents have to complete the entire Application for Lease for the Long-Term Lease?

There is no expectation for a lease application (Submittal B) to be completed for the Long-Term Lease.

2. We noted in the Request for Project Proposals that the Commission will not approve the final Long-Term Lease until after the completion of the CEQA review. That poses a significant financial risk to the selected party. Is it possible to negotiate and execute the Long-Term Lease subject to CEQA final certification?

This will not be possible. The Commission cannot take the discretionary action of approving a long-term lease of the site without analyzing the proposal under CEQA. The Short-Term Lease, which grants site control is the greatest level of commitment you can get prior to CEQA review.

3. The lease is only a maximum of 52 years (3-year short-term lease and 49-year long-term lease). Since the term is a maximum of 52 years, is it still required that the developed site be sea rise resilient for the +6.9 feet estimated for 2100 or is 2075 more realistic? Are you expecting resilience for the Bay Trail as well as any structures on the property?

Staff expects a plan that contains deliberate consideration of appropriate sea-level rise scenarios, including the medium-high risk, high emissions scenario for the end of the century (6.9 feet for 2100), if the proposed project is a major development that includes long-lasting infrastructure and structural components. It is reasonable to plan to the end of the century if the proposed project has an anticipated lifespan that may exceed the terms of the initial lease. If the Respondent is requesting a 20-year Long-Term Lease and planning to construct improvements that will be impacted by Sea-Level Rise in 20 years or less, staff will expect the plan to include a resiliency plan that responds to expected impacts within those 20 years, as well as beyond if the lifespan of the improvements exceeds 20 years, or a removal plan prior to the expiration of the lease, if the lifespan of the improvements does not exceed 20 years. It is important to note and can be seen in the Short-Term Lease Sample (Exhibit D, Section 3, Paragraph 13), that the Commission's leases require restoration of the Lease Premises. Please read the entire Sample Lease to understand a baseline of Lessee responsibilities. What staff is really looking for is a Sea-Level Rise and Climate Change Adaptation Strategy that thoughtfully examines the lifespan of the project and how the environment may change around it. Staff also recommends planning for a period longer than the proposed life of project (or structures) as projects can face delays and each update to sea-level rise and climate change projections have described higher water elevations than previous science reports as data modeling, monitoring, and scientific understanding improves. The Adaptation Strategy should be for the site, including the Bay Trail and any other buildings or facilities the Respondent proposes.

4. Will the form of the Long-Term Lease be similar to the Short-Term Lease form? If not, can you provide the form of the Long-Term Lease?

The form of the Long-Term Lease will likely be similar to the Short-Term Lease. For example, Section 3 will be the same. However, the final lease will need to be negotiated based on the specific project proposed.

5. Please provide a description of the anticipated CEQA process and timeline, with the State Lands Commission acting as the lead agency.

This will be driven by the specific proposal and the type of CEQA document that may be required. Tribal Consultation and Environmental Justice also play a role in the overall review and analysis of the project. Staff will likely contract out for preparation of the environmental document so there are several factors that can impact the timeline.

Site Related Questions

1. Does the subject property include a portion of Sanchez Channel? If so, can a Respondent request the exclusion of the Sanchez Channel from the Short-Term and Long-Term Leases?

Most of the Sanchez Channel may be excluded from the lease area, however the area of the Channel underlying the existing shoreline revetment cannot be excluded and will be part of the lease area.

2. Has the Commission conducted any independent assessment of the condition of the shoreline protection?

No, the Commission has not. Staff understands that other projects in the area have replaced similarly constructed revetments due to its ineffectiveness and hazardous nature.

3. How large is the area leased to the Federal Aviation Administration (FAA)? When does their lease expire? Is there a right to terminate it or to relocate the tower? If relocation, who pays and what is the estimated cost? Other than the FAA lease, are there any other leases, licenses or third-party agreements for the use of the property?

The lease area associated with the FAA's 60-foot mast tower is approximately 300 square feet, and the lease expires in 2032 ([Lease No. PRC 8088.9](#)). There is no right to terminate or relocate the tower. A Respondent would need to communicate directly with the FAA to see if they are interested in moving the tower and if there could be mutually agreeable expense associated with doing so. There are no other leases, licenses or third-party agreements for this site.

4. Does the Commission have any of the following reports for the Property?

- a. ALTA Survey,**
- b. Topographic Survey**
- c. Geotechnical Reports**
- d. Title Reports**
- e. Legal Description**
- f. Utility Plans**

The Commission does not have any current or final reports for the property. Staff understands the Short-Term Lessee will need to conduct due diligence and that is, in part, why a Short-Term Lease will be issued.

5. Can the parcel be split into two parcels? Can the parcel be sold? Or is it only a lease?

The property has specific County Assessor Parcels assigned to it, but from a leasing perspective the County Assessors Parcels have no bearing in determining the lease boundary. The intent of the Request for Project proposals is to Lease the entire site described. The subject site cannot legally be sold.

6. What is the size of the parcel?

While the parcel has not been surveyed, based on the best available information the parcel is approximately 9.4 acres.