

City of Burlingame

Commercial Design Review and Special Permits

Item No. 8d

Regular Action Item

Address: 1669/1699 Old Bayshore Highway and
810 /821 Malcolm Road

Meeting Date: October 24, 2022

Request: Application for Categorical Exemption, Design Review, Special Permits for building height and for Community Benefits for increased Floor Area Ratio, and Vesting Tentative Parcel Map for an Office/Research and Development campus consisting of a seven-story building, an eight-story building, and a nine-level parking garage.

Applicant and Property Owner: King Bayshore Owner, LLC

APNs: 026-302-530, 026-302-550,

026-301-180, 026-302-400

Architect: Perkins & Will Architects

General Plan: Innovation Industrial

Zoning: I-I (Innovation Industrial)

Campus Area: 197,760 SF total site (4.54 acres)

71,370 SF north parcel (1.6 acres)

126,390 SF south parcel (2.9 acres)

Adjacent Development: Office buildings, industrial and vehicle storage uses, restaurants, and hotels

Current Uses: Office, Industrial, Restaurant

Proposed Uses: Office/Research & Development

Allowable Uses: Office/Research and Development and Laboratories/Research and Development

Note: This application was reviewed based on the new Zoning Ordinance, which became effective January 5, 2022.

Environmental Review: Environmental review of this project is required by the California Environmental Quality Act (CEQA). Section 15332 of the CEQA Guidelines provides an exemption from CEQA review for projects classified as in-fill development and is intended to promote in-fill development within urbanized areas (i.e. the "Class 32 exemption"). Class 32 consists of in-fill projects which are consistent with local general plan and zoning requirements. This class is not intended to be applied to projects which would result in significant impacts on endangered, rare, or threatened species, traffic, noise, air quality, water quality, utilities, and public services. Application of this exemption, as with all categorical exemptions, is limited by the exceptions described in Section 15300.2 of the CEQA Guidelines. The requirements to qualify for a Class 32 exemption as described in CEQA Guidelines section 15332 are:

- a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- c) The project site has no value as habitat for endangered, rare or threatened species.
- d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- e) The site can be adequately served by all required utilities and public services.

The City's environmental consultant, ICF, prepared the attached categorical exemption analysis (dated October 2022) for the project. On the basis of the evidence provided in this analysis, it was determined the project is eligible for a Class 32 categorical exemption. This analysis provides substantial evidence demonstrating that the project meets all of the above requirements. The project is consistent with the General Plan and zoning designations, including all applicable policies and regulations; development is within the city on a site less than five acres that is surrounded by urban uses; the site has no value as a habitat for endangered, rare, or threatened species; the project would not result in significant impacts related to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services. Moreover, there is no evidence that the project triggers any of the exceptions to qualification for a Class 32 exemption found in CEQA Guidelines section 15300.2. Because the project meets the criteria for categorically exempt infill development projects, this analysis finds that a Notice of Exemption may be prepared for the Project. No further environmental review is needed.

Environmental Scoping and Design Review Study Meetings: This project was reviewed for Environmental Scoping and Design Review Study by the Planning Commission on January 24, 2022, where they had suggestions and comments regarding the project (see attached January 24, 2022 Planning Commission Minutes).

The applicant requested to return to the Planning Commission for a second study hearing on August 22, 2022 (see attached August 22, 2022 Planning Commission Minutes). Please refer to the attached August 22, 2022 Planning Commission Meeting Minutes for a complete list of comments and concerns expressed by the Planning Commission and the public.

The applicant submitted a response letter, supporting documents, and revised plans, dated October 20, 2022, to address the Commission's remaining questions about the project. Please refer to the applicant's letter and the Community Benefits Exhibit for a detailed discussion of the changes made to the project since the second Design Review Study meeting. Supporting documents submitted and referenced in the response letter are included as a separate attachment to the staff report and include the following: Palm Tree Assessment, prepared by McGuire & Hester, dated October 14, 2022, Letter of Intent for Easement with 810 Stanton Road, dated September 23, 2022, Flood Response Exhibits, and Biosafety Level Discussion, dated October 13, 2022

Project Summary: The project site is currently four parcels (consisting of six legal lots) with the addresses of 1669 and 1699 Old Bayshore Highway and 810 and 821 Malcolm Road. The four parcels will be combined to create two parcels (north parcel and south parcel) that will be separated by Malcolm Road and will be developed to create a single Office/Research and Development (Office/R&D) campus.

The project site is bounded by Stanton Road to the south and Old Bayshore Highway to the east, while Malcom Road will traverse the center of the campus running east to west from Old Bayshore Highway. The campus site abuts five existing adjacent buildings. The proposed north parcel of the campus abuts 1755 Old Bayshore Highway (hotel use) to the north and 820 Malcolm Road (office use) to the west. The south parcel of the proposed campus abuts 831 Malcolm Road (industrial use) to the west and 810 Stanton Road and 820 Stanton Road (industrial uses) to the southwest.

Surrounding uses that do not immediately abut the project site include 1633 Old Bayshore Highway (office use) across Stanton Road and to the south of the project, 1650 Old Bayshore Highway (vehicle rental and storage use), and 1800 Old Bayshore Highway (hotel use) across Old Bayshore Highway and to the east of the project. A connection path to the main Bay Trail is located across Old Bayshore Highway from the project site.

The project site currently consists of four existing buildings and 100,510 of combined office, industrial, and restaurant uses that would be demolished. The existing buildings are vacant and the site is fenced, but recent tenants included Joe's Café, Sky Chef/Flying Foods, Burlingame Heating and Ventilation, and King of Thai Noodles. The project plans show two new parcels (north parcel and south parcel). Although the proposed project is designed to integrate and connect the two parcels as a single development, a public road (Malcom Road) separates the two proposed parcels.

The north campus of the proposed project consists of a new seven-story, 193,380 SF Office/R&D building and surface level uncovered parking with public amenity spaces on the first floor, including a board room. The south campus consists of a new eight-story, 282,410 SF Office/R&D building with public amenity spaces, including a café and meeting room on the first floor and a separate nine-level parking garage. The two Office/R&D buildings would each have a rooftop terrace and a ground floor plaza facing Malcolm Road. The garage structure on the south parcel would have eight floors of covered parking with the ninth level being open to the sky. At this time a tenant has not been determined, however the total proposed use mix would consist of 60% laboratory and 40% office uses.

The following approvals are required for this project:

- Commercial Design Review (Code Sections 25.12.090 and 25.68.020(C)(3)(a));
- Special Permit for building height greater than 65 feet for properties fronting on Old Bayshore Highway (90'-6", 120'-6", and 135'-6" proposed) (Code Sections 25.12.030, Table 25.12-2 and 25.78.060(A)(2));
- Special Permit for Community Benefits for increased Floor Area Ratio for a Tier 3 project (2.41 FAR proposed for entire campus (2.71 FAR for north parcel and 2.23 FAR for the south parcel), where 2.75 FAR is the maximum allowed) (Code Sections 25.12.030, Table 25.12-2, 25.12.040(C), and 25.78.070(A)); and
- Recommendation of Vesting Tentative Parcel Map (Parcel A, Parcel Map Vol 3/17; Lots 1 & 2, Block 4, East Millsdale Industrial Park Unit No. 2 and adjacent portion of Old Bayshore Highway and City of Burlingame; and Lots 33 and 34, Block 4, East Millsdale Industrial Park Unit No. 2).

There are various easements on the existing parcels, some of which would be retained. They include stormwater drainage easements, anchor easements, wireless clearance easements, and public utility easements. There is also an existing but unrecorded shared access easement with the parcel at 810 Stanton Road immediately to the south of the subject site. This 29-foot wide shared easement on the subject site is proposed to be shared with the current tenant of 810 Stanton Road, McNevin Carpet Cleaning. The easement starts at the site's main entrance and campus driveway to the parking structure on Stanton Road and allows 810 Stanton Road vehicles to access the vehicle parking spaces at the rear of 810 Stanton. Because the recorded easement will result in the elimination of currently used parallel parking spaces adjacent to the building at 810 Stanton Road, the applicant has dedicated several parking spaces in the new parking garage for use by 810 Stanton Road. The exact number of dedicated parking spaces will be determined when the parking area behind 810 Stanton Road is re-striped during project construction. The applicant has submitted a Letter of Intent for the shared easement, dated September 28, 2022 (see attachments). The easement details must be recorded prior to a building permit approval.

There are five driveway entrances/exits proposed for the campus. The main vehicle entrance/exit is designed to be on Stanton Road, leads to the interior loading docks at the rear of the new building on the south parcel, and also leads to the primary entrance/exit for the parking structure on the south parcel. There are three additional proposed driveway access points for the campus that are located on Malcolm Road. The north driveway on Malcolm Road will lead to surface level parking on the north parcel. The south driveways on Malcolm Road provide a secondary entrance and exit for the parking structure on the south parcel. The fifth entrance/exit is located on Old Bayshore Highway at the northeast side of the north parcel. Trucks will enter and exit the south campus from the driveway on Stanton Road. Trucks will enter and exit the north campus from the driveway on Old Bayshore Highway.

The proposed project also includes the following improvements:

- Streetscape improvements required by the Public Works Division, such as trees, tree grates and streetlights, sidewalk expansion and bike lanes along Old Bayshore Highway. These streetscape improvements will be consistent with those currently installed at Burlingame Point (300 Airport Boulevard) or as approved by the City of Burlingame Public Works Division.
- New landscaped promenades along all three frontages (Old Bayshore Highway, Malcolm Road and Stanton Road).
- New open space and paved plazas on Malcolm Road between the three buildings.
- New raised crosswalk on Malcolm Road at the west side of the site to connect the plazas for each building.

A total of 947 parking spaces are proposed for the campus, with 38 parking spaces provided in surface level parking on the north parcel and 909 parking spaces provided in the parking structure on the south parcel. In the surface parking lot on the north parcel, 10 of the 38 parking spaces will be designated for public parking. All of the parking spaces provided would be independently accessible (no mechanical lift parking proposed) and are code compliant (see Off-Street Parking section for additional details).

There are three proposed new buildings on the campus. The seven-story building on the north parcel measures 120'-6" tall (as measured from average top of curb), the eight-story building on the south parcel measures 135'-6" tall, and the nine-level parking structure on the south parcel measures 90'-6" tall. For properties in the I-I Zoning District with frontage on Old Bayshore Highway, a Special Permit is required for structures exceeding 65 feet. The applicant is requesting a Special Permit for building height for all three buildings per Code Section 25.12.030, Table 25.12-2 and 25.78.060(A)(2).

The following table provides a summary of the project's compliance with the I-I District development standards.

1669/1699 Old Bayshore Highway and 810/821 Malcolm Road

Lot Area: 197,760 SF (4.5 acres)

Plans date stamped: October 20, 2022

	Proposed North Parcel	Proposed South Parcel	Proposed Total Campus	Allowed/Required
Use and Floor Area Ratio:	Office/R&D 2.71 FAR ¹ 193,380 SF	Office/R&D 2.23 FAR ¹ 282,410 SF	Office/R&D 2.41 FAR ¹ 475,790 SF	Office/R&D uses with frontage on Old Bayshore Highway and Tier 3 Community Benefits 2.75 FAR 196,268 SF north parcel 347,573 SF south parcel 543,840 SF total campus
SETBACKS :			Parking Structure	
Front:	16'-7"	10'-8"	Not adjacent to front property line	10'-0"
Right Side:	25'-11"	29'-7"	11'-11"	10'-0"
Left Side:	16'-1"	24'-5"	203'-0"	10'-0"
Rear:	78'-0"	58'-0"	10'-0" to 23'-0"	10'-0"

¹ Special Permit for Community Benefits use for increased Floor Area Ratio up to 2.75 FAR (2.41 FAR proposed for total campus where 2.75 FAR is maximum allowed with Tier 3 Community Benefits) (Code Sections 25.12.040(C) and 25.78.070(A)).

	Proposed North Parcel	Proposed South Parcel	Proposed Total Campus	Allowed/Required
BUILDING ENVELOPE:				
Building Height:	120'-6" to top of penthouse	135'-6" to top of penthouse	90'-6" to top of stair enclosure	65'-0" ¹ Special Permit required for heights exceeding this limit
Lot Coverage:	43.4% 30,975 SF	55.2% 69,767 SF	50.9% 100,742 SF	70% 195,636 SF
OFF-STREET PARKING:				
Number of Parking Spaces:	38 surface spaces	909 parking structure spaces	947 total spaces	582 total campus spaces (240 spaces north parcel + 428 spaces south parcel = 728 total spaces x 20% reduction ²)
Drive Aisle/ Clear Back-up Space:	complies	complies	complies	24'-0"
Parking Space Dimensions:	complies	complies	complies	8'-6" x 18'-0" (standard) 8'-0" x 17'-0" (compact)
LANDSCAPING:				
Total Site Landscaping:	15.1%	15.1%	15.1%	15%
Trash Enclosure/ Truck Loading Access:	Located at the right side and interior to the building, at least 75' from rear property line	Located at the rear of the main building, at least 75' from rear property line	---	Must be located at sides or rear of building(s), must be setback at least 75' from rear property line

¹ Special Permit for building height greater than 65 feet for properties fronting on Old Bayshore Highway (Code Sections 25.12.030, Table 25.12-2 and 25.78.060(A)(2)).

² 20% reduction in required off-street parking spaces applied for projects required to submit a TDM (Code Section 25.40.040(A)(3)). TDM dated August 3, 2022 meets requirements pursuant to Code Section 25.43.

General Plan: In January 2019, the City adopted a new General Plan and certified the Environmental Impact Report (EIR). The General Plan designates this site as Innovation Industrial. The Innovation Industrial (I/I) designation applies to two areas: the southern two-thirds of the Rollins Road corridor and the Inner Bayshore area. These districts function well as light industrial and logistics centers, with complementary commercial businesses. Establishment of indoor recreation facilities should be minimized to maintain properties for more jobs-intense enterprises and to avoid land use conflicts. Creative and design-related businesses are encouraged to diversify the mix. Permitted uses include commercial and light industrial uses, creative industry businesses, design businesses, limited indoor sports and recreation, and wholesale uses. In the Inner Bayshore area, additional permitted uses include hospitality uses accommodated within the Bayfront Commercial designation.

A General Plan Amendment was adopted in 2021 to amend the Innovation Industrial (I/I) Land Use Development Standards to specify up to 2.75 FAR for office/research and development uses fronting on Old Bayshore Highway. Because the project is an Office/R&D development, it is consistent with the land use designation.

Design Review: Design Review is required for new commercial buildings pursuant to Code Sections 25.12.090 and 25.68.020(C)(3). Design Review was instituted for commercial projects in 2001 with the adoption of the Commercial Design Guidebook. Design Principles for the Innovation Industrial District are detailed in Code Section 25.12.070 and requires the proposed project to be reviewed by the Planning Commission for the following considerations:

- A. Design Intent.** The overall design intent of the I-I zoning district is to provide for an eclectic mix of commercial and light industrial development that has an industrial and contemporary look in terms of materials used, architectural styles, and building forms.
- B. Building Design.** Recognizing the varied commercial and industrial character of the area, new development and redevelopment projects shall feature modern industrial design features.
- C. Art and Murals.** Use of murals, artwork, sculptures, special paving, and fountains are encouraged to be incorporated into building design to provide interest and excitement to the district.
- D. Orientation.** The main building of a development shall be oriented to face a public street. Building frontages shall be generally parallel to streets. At least one primary entrance to a ground-floor use shall face the adjacent street right-of-way. Business and reception areas shall face public access to buildings.
- E. Ground Floor Transparency.** At least 25 percent of the exterior walls on the ground floor facing the street shall include windows, doors, or other openings.
- F. Building Articulation.** Each side of buildings shall have a uniform approach to design and detail. Articulation of building and structural elements, including windows, entries, and bays shall be achieved. Design features such as canopies, trellis, and grillwork shall be designed as part of the building's composition of design elements. A variety of materials should be used to articulate building elements, such as the base, the ground floor, and upper floors, if any.
- G. Streetscape.** Landscaping along the street shall provide an attractive streetscape by screening parking areas from the public street and ensuring a pleasant pedestrian environment.
- H. Compatibility.** The design of new infill development shall respect, complement, and be compatible with the scale, style, theme, and design of surrounding buildings.

- I. **Location of Parking.** Any surface parking facilities shall be located to the side or rear of any proposed project unless no other feasible location exists.
- J. **Creekside Open Space.** New buildings on parcels adjacent to Mills Creek and Easton Creek, where possible, shall incorporate outdoor open space and trail network components into their site planning, particularly on those parts of sites that face a creek.
- K. **Service and Delivery Areas.** Service areas and ground-mounted equipment shall be screened from view by fences or walls that conform to the style and materials of the accompanying building(s).

Materials proposed for the exterior of the Office/R&D buildings include: a two-sided curtainwall with vertical capture and bird safe line frit, vision glass spandrel with shadowbox, metal panel reveals, precast concrete spandrel and infill panels with horizontal liner texture, and precast concrete walls at non-frontage areas on the lowest level with integral color and mixture of smooth and textured finish. The project also includes ribbon window walls, and perforated metal mechanical penthouse screens with a non-reflective finish. Materials for the parking structure include a glass semi-enclosure, color stair accent, and metal panels.

To help better visualize the proposed project, perspectives of the proposed project are provided in the plan set on Sheets G20-01 and G20-02 and materials are called out on Sheet A20-03.

Floor Area Ratio – Request for Special Permit for Community Benefits for Increased FAR: A maximum FAR of 0.75 is permitted in the I-I Zoning District. However, the FAR may be increased to 2.75 for Office/R&D uses with frontage on Old Bayshore Highway with a Special Permit, if the project includes Tier 3 Community Benefits for increased FAR (Code Sections 25.12.040(C) and 25.78.070(A)).

The applicant is proposing a combined FAR of 2.41 (2.73 FAR for the north parcel and 2.23 FAR for the south parcel). For use of the Tier 3 increased FAR, the applicant is proposing the following four Community Benefits:

1. Two Public Plazas, combined use as a Town Square: Two plazas, one on each parcel, and each totaling over 5,000 SF that will face each other across Malcolm Road. The plazas would have permanent stadium seating as well as fixed and movable table and chair seating, along with landscaping. With permits from the applicable City Divisions (and including notice to neighboring properties), the two plazas may occasionally be combined by temporarily closing Malcolm Road to create a town square for special events.
2. Two Off-Site Streetscape Improvements.
 - One crosswalk at the intersection of Malcolm Road and Old Bayshore Highway, connecting the southwest corner of the intersection to the east side of Old Bayshore Highway. The crosswalk would provide a connection between the subject site and the Bay Trail termination on Old Bayshore Highway, just south of the Marriott Hotel. The crosswalk design and signalization would be subject to approval by the Public Works Division.
 - A monetary contribution of \$100,000 by the applicant to the City of Burlingame to fund future off-site improvements for the Bay Trail.
3. Flexible Benefits: Publicly accessible community amenities are included inside both new buildings. The Flexible Community Benefits north includes a conference room to seat 20 persons, public restrooms, and an open lobby area. The Flexible Community Benefits south includes a 6,390 SF café open from 7 a.m. - 7 p.m. weekdays and serving food prepared off-site and beer/wine, a meeting room for 100 persons that can be divided to

serve two groups of 50 persons (can also be opened up to include the café seating), public restrooms, and a lobby space with seating. The conference rooms would be run using a first come, first served basis with a reservation system available to both tenants and the general public.

4. Public Art: The north plaza would have a permanent public art installation as the centerpiece of the plaza and the south parcel would have two building murals on the north and east elevations of the parking structure. Both parking structure murals would be visible from both plazas.

For a more detailed description of the proposed Community Benefits for the project, please refer to the Community Benefits Package, submitted by the applicant, and dated stamped October 20, 2022 (see attachments).

Request for Special Permit: The maximum building height allowed by right in the I-I District with properties that have frontage on Old Bayshore Highway is 65 feet. Code Sections 25.12.030, Table 25.12-2 and 25.78.060(A)(2) allow properties fronting on Old Bayshore Highway to exceed 65 feet in height with a Special Permit.

The applicant is requesting a Special Permit for all three proposed buildings on the campus to exceed 65 feet in height. The seven-story building on the north parcel measures 120'-6" tall (as measured from average top of curb to the top of the penthouse), the eight-story building on the south parcel measures 135'-6" tall (as measured from average top of curb to the top of the penthouse), and the seven-story parking structure on the south parcel measures 90'-6" tall. The mechanical equipment on the office buildings, and the stair and elevator enclosure on the roof deck of the parking structure, meet the maximum height limit of 14 feet above the building height. Please refer to the attached Special Permit Application completed by the applicant.

The project must also comply with Federal Aviation Administration (FAA) standards. The applicant submitted a Determination of No Hazard to Air Navigation letter from the FAA, dated October 15, 2022.

Off-Street Parking and Transportation Demand Management Plan (TDM): With the proposed project, there would be a total of 150,374 SF of office and 225,560 SF of industrial R&D laboratory uses on the site. Code Section 25.40.030, Table 25.40-1, requires 1 space per 300 SF for professional offices, resulting in a total of 502 off-street parking spaces, and 1 space per 1,000 SF for industrial research and development uses, resulting in 226 off-street parking spaces. Interior spaces dedicated to Community Benefit uses are excluded from parking requirements. In total, 728 parking spaces would be required for the proposed uses on both parcels of the campus, but an additional 20% reduction is applicable for projects with a required TDM per Code Section 25.40.040(A)(3). The applicant has submitted a TDM prepared by Kittelson & Associates and dated August 3, 2022. With the 20% reduction applied, the project requires a total of 582 on-site parking spaces.

The proposed project will exceed the total number of required off street-parking spaces by 365 spaces, the difference between the 582 parking spaces required and the 947 parking spaces proposed. The north parcel would have 38 parking spaces in an open surface parking lot at the rear (west side) of the building. The south parcel would have 909 parking spaces in the proposed eight level parking garage with an additional level of roof deck parking that is open to the sky.

The proposed 909 proposed off-site parking spaces include standard, compact, ADA, electric vehicle (EV) charging, and EV flex parking spaces. All EV parking spaces are provided in the parking structure on the south parcel. The proposed mix of EV parking is under review by the Building Division and is subject the current REACH Code requirements. The proposed project also includes bicycle parking for 68 bicycles. This bicycle parking consists of 16 short-term outdoor bike rack spaces and one long-term interior bicycle parking room with 52 spaces on the first level of the parking garage on the south parcel.

Proposed TDM measures are described in greater detail in the TDM Plan, but in summary the measures include:

- Bicycle Parking - The Project would include 68 bicycle parking spaces, with 52 Class I (secure) spaces in the bicycle enclosure on the first floor of the parking structure and 16 Class II spaces in 8 bike racks near building entries.
- Shower Facilities - The new building would include shower rooms for men and women on the first floor of the south building to support employees who bicycle and walk to work or exercise during the day, or both.
- Active Participation in Commute.org - The applicant is committed to exploring the expansion of the Bayside Shuttle route to include closer stops to the project site on a more frequent schedule during peak commute hours.
- Parking Price Management – Workplace parking rate will be established at a minimum of \$24 per month compared to a baseline cost of \$0 per month.
- Alternative Commute Incentives – Implement parking cash out program with 100 percent of employee eligibility.
- Parking Management - The Project would include preferential parking of the following kinds:
 - Carpool/vanpool
 - Accessible (“ADA Stalls”)
 - Clean Air Vehicles
 - Electric Vehicle Charging

Evaluating the performance and success of the TDM plans is essential to ensure TDM measures are implemented and effective. The TDM will require regular monitoring and reporting to ensure that tenants are following the stated policies and goals. The TDM Plan includes a monitoring and reporting plan that consists of an annual survey of employees and preparation of an annual report.

A Transportation Impact Analysis (TIA) was prepared for the project by Kittelson & Associates, dated October 20, 2022. Analysis of the TIA is included in the CE Memo by ICF, dated October 2022.

Landscaping: Proposed landscaping throughout the site is shown on the Landscape Plans (refer to sheets L01-01 through L07-01). All existing trees will be removed from the site. There are eight protected trees in the project area, seven of which are located on site. The applicant is proposing to remove all of the trees on the site and a Protected Tree Removal Permit application has been made for removal of eight trees (attached and dated August 3, 2022). The proposed project includes planting 106 new trees for the project (a total of 74 on-site trees) along with varied ground cover and planter landscaping. A bio-retention area is proposed on the south parcel to meet Stormwater requirements and is included in the landscape totals.

The I-I District standards require landscaping of a minimum of 15% of the site area. The majority of the proposed landscaping has been placed along the frontages for the project at Stanton Road, Old Bayshore Highway, and Malcolm Road. The project proposes 15.1% landscaping on the north parcel, the south parcel, and for the combined campus. The landscape plans show that the project meets surface level parking 10% minimum landscaping and heat island reduction requirements per Code Sections 25.40.070(D)(1) and (2).

Public Facilities Impact Fees: The purpose of public facilities impact fees is to provide funding for necessary maintenance and improvements created by development projects. Public facilities impact fees are based on the uses and the amount of square footage to be located on the property after completion of the development project.

Based on the proposed Office/R&D building, the estimated Public Facilities Impact Fees for this development project is approximately \$1,765,002.00. The final fee amount will be calculated based on the fee schedule in effect at the time the building permit is issued. Payment will be required prior to final inspection.

Commercial Linkage Fees: Commercial Linkage Fees are based on the land use and square footage for new commercial development projects. The intent of this fee is, in summary, to offset the demand for affordable housing that is created by new commercial development and mitigate environmental and other impacts that accompany new commercial development. These fee calculations include gross square feet of floor area, excluding enclosed parking areas. In addition, the rates vary for prevailing wage and non-prevailing wage for labor used for the construction of the project. The fees for office uses are charged per square feet (\$20.00 per SF if utilizing prevailing wages or \$25.00 per SF if not utilizing prevailing wages).

Based on the proposed Office/R&D building, the estimated Commercial Linkage Fee for this development project totals approximately \$11,342,250.00 (without prevailing wages). The final fee amount will be calculated based on the fee schedule in effect at the time the building permit is issued and is required to be paid in full, prior to issuance of the building permit.

Bayfront Development Fees: Projects in the Bayfront are subject Bayfront Development fees. Based on the proposed Office/R&D building, the Bayfront Development fees for this development project is estimated to be \$1,470,150.00. Half of this fee is required to be paid prior to issuance of the building permit and the second half of the fee is required to be paid prior to scheduling the final inspection.

However, given that the Bayfront Specific Plan and Bayfront Development Fee are currently in the process of being repealed, projects would no longer require payment of Bayfront Development Fees. If the Bayfront Development Fee has not been repealed at the time of building permit issuance, then this project would be subject to such fees.

Staff Comments: None.

Design Review: The Commission should review the design of the project for the following considerations for commercial development, as outlined in Code Section 25.68.060(E):

- Support of the pattern of diverse architectural styles in the area in which the project is located;
- Respect and promotion of pedestrian activity in commercial and mixed-use zoning districts by placement of buildings to maximize commercial use of the street frontage and by locating off- street parking areas so that they do not dominate street frontages;
- For commercial and industrial developments on visually prominent and gateway sites, whether the design fits the site and is compatible with the surrounding development;
- Compatibility of the architecture with the mass, bulk, scale, and existing materials of surrounding development and appropriate transitions to adjacent lower-intensity development and uses;
- Architectural design consistency by using a single architectural style on the site that is consistent among primary elements of the structure and restores or retains existing or significant original architectural features; and

- Provision of site features such as fencing, landscaping, and pedestrian circulation that complement on-site development and enhance the aesthetic character of district in which the development is located.

Suggested Findings for Design Review: The project may be found to be compatible with the requirements of the City's criteria for design review based on the following:

- That the proposed buildings and parking garage have a contemporary commercial architectural style, featuring vision glass spandrel with shadowbox, metal panel reveals, precast concrete spandrel and infill panels, ribbon window walls, and perforated metal mechanical penthouse screens with a non- reflective finish will blend with the existing office buildings in the area and will also be compatible with the newer buildings in the surrounding area, such as those on Anza Boulevard; and that the parking structure will be enhanced with art installations to incorporate that structure with the rest of the campus;
- That the proposed new streetscape improvements and the coordinating plazas on either side of Malcom Road promote pedestrian activity and create a new open space that can be accessed and connected with the Bay Trail;
- That the site is adjacent to four to ten story buildings and therefore would be compatible with the mass and bulk of buildings in the area and is consistent with the overall heights established in the General Plan and the Zoning Code; and
- That the proposed landscaping and paving on the site, including the tiered seating used to integrate the grade change from Old Bayshore Highway to Malcolm Road, the raised and paved walkway between the plazas, the art installations in the plazas, and the proposed 106 new trees to be planted on site and in the right-of-way along the three frontages will promote the use of the new outdoor spaces and enhance pedestrian use on this site and in connection with the Bay Trail located across the street.

Required Findings for Special Permit: Any decision to approve a special permit application pursuant to this chapter shall be supported by written findings addressing the criteria set forth in this chapter. In making such determination, the following findings shall be made (as outlined in Code Section 25.78.060(B)):

- The proposed modification to standards respects and preserves the character of the neighborhood in which the project is located;
- The proposed modification to standards results in a project that is designed and arranged to provide adequate consideration to ensure the public health, safety, and general welfare, and to prevent adverse effects on neighboring properties; and
- The additional development capacity is consistent with General Plan goals and policies.

Suggested Findings for Special Permit (Increased Floor Area Ratio with Approval of Community Benefits): The project may be found to be compatible with the findings for a Special Permit based on the following:

- That the proposed floor area ratio for the campus is appropriate sited with frontage on Old Bayshore Highway because the increased density will integrate with the development encouraged in the adjacent BFC zoning district and create a reinvigorated commercial district;

- That the proposed floor area ratio for the campus is concentrated at the center of the sites and that there are adequate setbacks to neighboring properties to provide a buffer and ensure public health, safety, and general welfare; and
- That the proposed floor area ratio for the campus aligns with the goals and policies of the Burlingame General Plan, as amended in 2021.

Suggested Findings for Special Permit (Building Heights): The project may be found to be compatible with the findings for a Special Permit based on the following:

- That the proposed modification to standard heights for the buildings on the campus is consistent with an existing building across the street and promote the intent of the Zoning Code to promote more density for select uses along the Old Bayshore Highway corridor; and
- That the proposed heights of the building on the campus are consistent with the goals and policies of the Burlingame General Plan.

Findings for Vesting Tentative Map to Merge the Existing Parcels Into Two Parcels: In order to recommend approval of a vesting tentative, the Planning Commission must find that the proposed parcel map, together with the provisions for its design and improvement, is consistent with the Burlingame General Plan and consistent with the provisions of the Subdivision Map Act, and that the site is physically suited for the proposed type and density of development.

Suggested Findings for Vesting Tentative Parcel Map:

- That the proposed vesting tentative parcel map, together with the provisions for its design and improvement, is consistent with the Burlingame General Plan and consistent with the provisions of the Subdivision Map Act, and that the site is physically suited for the proposed type and density of development in that it provides a commercial development in an area identified as suitable for such use in the Zoning Code and General Plan, provides vehicular and pedestrian circulation to serve the project, and is consistent with required development standards.

Planning Commission Action: The Planning Commission should conduct a public hearing on the application and consider public testimony and the analysis contained within the staff report. Affirmative action should be taken separately by resolution and include findings supporting the Planning Commission's decision. The reasons for any action should be stated clearly for the record.

1. Commercial Design Review and Special Permits for Increased FAR with Approval of Community Benefits and for Building Heights.
2. Recommendation of Vesting Tentative Parcel Map for Lot Combination (recommendation for approval by City Council).

At the public hearing the following conditions should be considered:

1. that the project shall be built as shown on the plans submitted to the Planning Division date stamped October 20, 2022, sheets G00-10 through G20-02, A01-00 through A20-03, L01-01 through L08-01, A0.3 through A6.1, and C0.0 through C9.0; and that if the proposed Research and Development use is revised to a more intense use the project may be subject to an Amendment application or additional review by the Planning Division and/or the Planning Commission;

2. that prior to issuance of a building permit for construction of the project, the project construction plans shall be modified to include a cover sheet listing all conditions of approval adopted by the Planning Commission, or City Council on appeal; which shall remain a part of all sets of approved plans throughout the construction process. Compliance with all conditions of approval is required; the conditions of approval shall not be modified or changed without the approval of the Planning Commission, or City Council on appeal;
3. that any changes to the size or envelope of building, which would include changing or adding exterior walls or parapet walls, or changes to building materials, exterior finishes, windows, architectural features, roof height or pitch, and amount or type of hardscape materials shall be subject to Planning Division or Planning Commission review (FYI or amendment to be determined by Planning staff);
4. that the conditions of the Building Division's October 12, 2022 memo, the Fire Division's October 13, 2022 memo, the Engineering Division's October 14, 2022 memo, the Public Works- Mapping October 19, 2022 memo, and the Stormwater Division's October 13, 2022 memo shall be met; that the conditions put forth in the September 27, 2022 letter from Perkins & Will to the City of Burlingame's Senior Civil Engineer shall be addressed; and that the flood gate system specified on Sheet A01-01 or a similar system shall be installed prior to final inspection for the project;
5. that the project design measures outlined in the Water Supply Assessment, dated September 2022, and the Water Supply Assessment Memorandum, dated October 13, 2022, shall be included on the plans submitted to the Building Division; including installing purple piping in the frontage of the project site for future recycled water usage; implementing the Prescriptive Compliance Option of the Model Water Efficient Landscaping Ordinance (see California Code of Regulations Title 23, Chapter 2.7, Appendix D); installing 100% WaterSense labeled products, as available; and Under Leadership in Energy and Environmental Design (LEED) certification, incorporate a minimum of four points under the Water Efficiency credit category;
6. that the applicant shall submit to the Department of Public Works, Engineering Division any additional applications for a final parcel map for processing in conformance with the Subdivision Map Act;
7. that the applicant shall submit to the Planning Division either a recorded Parcel Map showing a parking easement between the two parcels or the applicant shall submit a San Mateo County Assessor and Recorder's Office deed restriction for shared parking between the two parcels;
8. that in compliance with the approved Special Permit and as a Community Benefit, the project shall include a \$100,000.00 allowance to be dedicated to Bay Trail improvements; that the City Manager shall be authorized to execute an agreement with the applicant and to collect the funds prior to the Planning final inspection for the project;
9. that construction of the foundation systems for the building and parking garage shall not include pile driving;
10. that if the City determines that the structure interferes with City communications in the City, the property owner shall permit public safety communications equipment and a wireless access point for City communications to be located on the structure in a location to be agreed upon by the City and the property owner. The applicant shall provide an electrical supply source for use by the equipment. The applicant shall permit authorized representatives of the City to gain access to the equipment location for purposes of installation, maintenance, adjustment, and repair upon reasonable notice to the property owner or owner's successor in interest. This access and location agreement shall be recorded in terms that convey the intent and meaning of this condition;

11. that prior to issuance of a building permit for the project, the applicant shall pay the first half of the Bayfront Development Fee, if applicable (final fee amount to be calculated based on the fee schedule in effect at the time the building permit is issued), made payable to the City of Burlingame and submitted to the Planning Division;
12. that prior to approval of final framing of the building, the applicant shall pay the second half of the Bayfront Development Fee, if applicable (final fee amount to be calculated based on the fee schedule in effect at the time the building permit is issued), made payable to the City of Burlingame and submitted to the Planning Division;
13. that prior to issuance of a building permit for the project, the applicant shall pay the affordable housing commercial linkage fee (final fee amount to be calculated based on the fee schedule in effect at the time the building permit is issued), made payable to the City of Burlingame and submitted to the Planning Division;
14. that prior to issuance of a building permit for the project, the applicant shall pay the Public Facilities Impact Fee (final fee amount to be calculated based on the fee schedule in effect at the time the building permit is issued), made payable to the City of Burlingame and submitted to the Planning Division;
15. that the project shall include the Project Transportation Demand Management (TDM) Measures as proposed in the TDM Plan, prepared by Kittelson & Associates and dated August 3, 2022;
16. that a TDM annual report shall be prepared by a qualified, independent consultant and paid for by the owner and submitted to the City of Burlingame annually; with the initial, or baseline, commute survey report to be conducted and submitted one (1) year after the granting of a certificate of occupancy for 75 percent or more of the project and annually after that;
17. that the TDM annual report shall provide information about the level of alternative mode-uses and in the event mode shift percentage noted in the TDM (i.e., proportion of occupants that use something other than a car to/from the subject property) towards alternative transportation is not met, the report shall explain how and why the goal has not been reached; in such a circumstance the annual report shall identify a work plan, to be approved by the City of Burlingame, which describes additional or alternative measures for implementation that would be necessary to enhance the TDM program to attain the TDM goal;
18. that the City may consider whether the employer/tenant has made a good faith effort to meet the TDM goals and may allow the owner a six-month “grace period” to implement additional TDM measures to achieve the TDM goal;
19. that prior to the issuance of a certificate of occupancy, a covenant agreement shall be recorded with the San Mateo County Assessor and Recorder’s Office to provide constructive notice to all future owners of the property of any ongoing programmatic requirements that discloses the required Transportation Demand Management (TDM) provisions and any conditions of approval related herein to compliance and reporting for the TDM;
20. prior to issuance of a building permit for vertical construction, the project sponsor shall verify that October 15, 2022, FAA Determination of No Hazard to Air Navigation for the project is still current and has not expired (October 15, 2023) and if expired a new FAA Determination of No Hazard to Air Navigation shall be submitted to the City of Burlingame prior to building permit issuance for construction;

21. that a Protected Tree Removal Permit dated August 18, 2022 shall be effective at the time the designated protected trees on the project site are removed or the applicant shall be required to obtain a permit extension from the City Arborist;
22. that the project shall comply with the Construction and Demolition Debris Recycling Ordinance which requires affected demolition, new construction and alteration projects to submit a Waste Reduction Plan and meet recycling requirements; any partial or full demolition of a structure, interior or exterior, shall require a demolition permit;
23. that demolition or removal of the existing structures and any grading or earth moving on the site shall not occur until a sitework permit has been issued and such site work shall be required to comply with all the regulations of the Bay Area Air Quality Management District;
24. that during construction, the applicant shall provide fencing (with a fabric screen or mesh) around the project site to ensure that all construction equipment, materials and debris is kept on site;
25. that storage of construction materials and equipment on the street or in the public right-of-way shall be prohibited;
26. that construction access routes shall be limited in order to prevent the tracking of dirt onto the public right-of-way, clean off-site paved areas and sidewalks using dry sweeping methods;
27. that the applicant shall prepare a construction staging and traffic control plan for the duration of construction for review and acceptance by the City Engineer prior to the issuance of a building permit for vertical construction; the construction staging plan shall include construction equipment parking, construction employee parking, timing and duration of various phases of construction and construction operations hours; the staging plan shall address public safety and shall ensure that worker's vehicles and construction equipment shall not be parked in public parking areas with exceptions for construction parking along the street frontages of the project site;
28. that the project applicant and its construction contractor(s) shall develop a construction management plan for review and approval by the City of Burlingame. The plan must include at least the following items and requirements to reduce, to the maximum extent feasible, traffic and parking congestion during construction:
 - a. A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes;
 - b. Identification of haul routes for movement of construction vehicles that would minimize impacts on motor vehicular, bicycle and pedestrian traffic, circulation and safety, and specifically to minimize impacts to the greatest extent possible on streets in the project area;
 - c. Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures would occur;
 - d. Provisions for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the project applicant; and
 - e. Designation of a readily available contact person for construction activities who would be responsible for responding to any local complaints regarding traffic or parking. This coordinator would determine the cause of the complaint and, where necessary, would implement reasonable measures to correct the problem.

29. that if construction is done during the wet season (October 1 through April 30), that prior to construction during the wet season the developer shall implement a winterization program to minimize the potential for erosion and polluted runoff by inspecting, maintaining and cleaning all soil erosion and sediment control prior to, during, and immediately after each storm even; stabilizing disturbed soils throughout temporary or permanent seeding, mulching matting, or tarping; rocking unpaved vehicle access to limit dispersion of mud onto public right-of-way; covering/tarping stored construction materials, fuels and other chemicals;
30. that trash enclosures and dumpster areas shall be covered and protected from roof and surface drainage and that if water cannot be diverted from these areas, a self-contained drainage system shall be provided that discharges to an interceptor;
31. that this project shall comply with the state-mandated water conservation program, and a complete Irrigation Water Management and Conservation Plan together with complete landscape and irrigation plans shall be provided at the time of building permit application for vertical construction;
32. that all site catch basins and drainage inlets flowing to the bay shall be stenciled. All catch basins shall be protected during construction to prevent debris from entering;
33. that the applicant shall comply with Ordinance 1503, the City of Burlingame Storm Water Management and Discharge Control Ordinance;
34. that this project shall comply with Ordinance No. 1477, Exterior Illumination Ordinance;
35. that the project shall meet all the requirements of the California Building and Uniform Fire Codes, as amended by the City of Burlingame;

The following five (5) conditions shall be met during the Building Inspection process prior to the inspections noted in each condition:

36. that prior to scheduling the foundation inspection a licensed surveyor shall locate the property corners, and set the building envelope;
37. that prior to the underfloor frame inspection the surveyor shall certify the first floor elevation of the new structure;
38. that prior to scheduling the framing inspection, the project architect, engineer or other licensed professional shall provide architectural certification that the architectural details such as window locations and bays are built as shown on the approved plans; if there is no licensed professional involved in the project, the property owner or contractor shall provide the certification under penalty of perjury. Certifications shall be submitted to the Building Division;
39. that prior to scheduling the roof deck inspection, a licensed surveyor shall shoot the height of the roof parapet and provide certification of that height to the Building Division;
40. that prior to final inspection, Planning Division staff will inspect and note compliance of the architectural details (trim materials, window type, etc.) to verify that the project has been built according to the approved Planning and Building plans.

Erika Lewit
Senior Planner

Cc: Peter Banzhaf, applicant
Perkins & Will, architect

Attachments:

Applicant's Response Letter, dated October 20, 2022
Community Benefits Package, dated stamped October 2022
August 22 and January 24, 2022 Planning Commission Minutes
Application to the Planning Commission
Special Permit Applications (Height and Tier 3 Community Benefits for increased FAR)
Arborist Report, prepared by HortScience/Bartlett Consulting, dated July 25, 2022
Palm Tree Assessment, prepared by McGuire & Hester, dated October 14, 2022
Protected Tree Removal Permit, effective dated August 18, 2022
City Division Comments
Alternate Means of Protection, dated September 28, 2022
Letter of Intent for Easement with 810 Stanton Road, dated September 23, 2022
Flood Response Exhibits
Biosafety Level Discussion, dated October 13, 2022
Community Letters of Support
Planning Commission Resolution (proposed)
Notice of Public Hearing – Mailed October 14, 2022
Area Map

Separate Attachments:

Categorical Exemption, prepared by ICF, dated October 2022