

# City of Burlingame

## Design Review Study and Pre-Application Development Agreement Study Session

Item No. 9e  
Design Review Study & Pre-  
Application Development  
Agreement Study Session

**Address:** 1200-1340 Bayshore Highway

**Meeting Date:** February 13, 2023

**Request:** Design Review Study and Pre-Application Development Agreement Study Session for an application for Environmental Review, Commercial Design Review, and Special Permits for Height and Development under Tier 3/Community Benefits for a new Office/Research & Development Project consisting of three, 11-story buildings and two, 10-story parking structures.

**Applicant and Property Owner:** DW Burlingame Venture, LLC

**Architect:** Ben K. Mikus, WRNS Studio

**Zoning:** BFC (Bayfront Commercial)

**General Plan:** Bayfront Commercial

**Adjacent Development:** Hotels, Office buildings, San Francisco Bay

**Current Use:** Office/Retail/Restaurant/Hotel

**Proposed Use:** Office/Research & Development/Restaurant

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

**APN:** 026-113-470; 026-113-480;  
026-142-140; 026-142-160;  
026-142-170; 026-113-330;  
026-113-450; 026-142-110;  
026-142-070; 026-142-150;  
026-142-020; 026-142-030;  
026-142-180

**Lot Area:** 523,775 SF (12 acres)

**General Plan:** In January 2019, the City adopted a new General Plan. Through that process, the Bayfront was designated as one of several “areas of change” in the city. Areas of change were places where the community expressed a desire for new uses or redevelopment of existing uses to occur, and the General Plan “Bayfront Commercial” land use was created to encourage new commercial development and community amenities. Permitted uses include entertainment establishments, restaurants, hotels and motels, retail, and higher-intensity office uses.

The General Plan Community Character Chapter IV, states that development in this area should prioritize public access to the waterfront with designated public open space including open space easements to improvement local and regional trail plans, recreation and habitat preservation objectives. The office/R&D land use of the proposed project is consistent with the General Plan’s Bayfront Commercial land use designation.

**Environmental Review:** Environmental Science Associates (ESA) has been selected as the environmental consultant to prepare an Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (CEQA). The Planning Commission held an environmental scoping meeting on August 22, 2022, to solicit input from the public and agencies (see attached August 22, 2022 Planning Commission Meeting Minutes). The meeting recording, staff report, and attachments for that meeting are available at the project website here: [www.burlingame.org/1200-1340bayshore](http://www.burlingame.org/1200-1340bayshore).

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

The project proposes to redevelop the site with three, new 11-story office/research and development (R&D) buildings and two, new 10-10.5-story parking garages with two below grade parking levels each. Two of the five new structures, the Northern Parking Structure and North Office/R&D Building, would be on the portion of the site north of Easton Creek. On the south side of the creek are the Center Office/R&D Building, Southern Parking

Structure and South Office/R&D Building. Three service roads off Bayshore Highway are proposed for access to the buildings and parking structures, one between the Northern Parking Structure and North Office/R&D Building, a second between the Center Office/R&D Building and Southern Parking Structure, and the third between the Southern Parking Structure and South Office/R&D Building. The application is not tenant specific and may accommodate multiple tenants. Tenant improvements would ultimately determine the end use, which could range from an overall building program of 100 percent R&D use to a 100 percent professional office use, or a combination thereof.

The total project proposes a gross floor area of 1,420,000 square feet (SF) divided between Building North (620,700 SF), Building Center (437,300 SF), Building South (362,000 SF). The South and Center buildings would have a combined 5,000 square feet of restaurant space. The buildings range from a maximum height of 210'-6" for Building South to 214'-6" feet for buildings North and Center. The proposed floor area ratio (FAR) for the site would be 2.71 (3.0 FAR maximum allowed).

The Southern Parking Structure is proposed as a 617,400 SF, 10-story (104'-10") structure providing 1,728 secure stalls and 40 additional stalls available to the public to accommodate Bay Trail users and the two restaurants. The Southern Parking Structure also includes an airplane viewing platform at the top level. The Northern Parking Structure is proposed as a 562,800 SF, 10.5-story (113'-10") structure providing 1,632 secure stalls. Each parking structure also includes two basement levels of parking. Electric vehicle charging stations would be provided in both structures.

Landscaping would be provided throughout the project site, with open space areas surrounding Easton Creek and the unnamed remnant tidal channel and overlooking the shoreline frontage. The project would provide a missing link of the Bay Trail along the San Francisco Bay, connecting the two existing portions to the north and south, and would also provide pedestrian trails along Easton Creek. A public plaza and seating area are proposed within the southern portion of the project site, near the intersection of Bayshore Highway and Airport Boulevard/Broadway. A picnic plaza and event lawn are proposed along the Bay Trail on the northern side of Easton Creek.

The project plans show a parcelization which would create eight parcels (Parcels PN, SN, BN, BC, SC, PS, BS and SS) for ownership/management purposes. However, the review of development standards is based on one consolidated parcel since the site would continue to function as one integrated development site (e.g., shared parking, vehicular access, etc.).

The base allowable FAR in the BFC zoning district is 1.0 but may be increased provided the project includes specific community benefits as detailed in Code Section 25.12.040(C) with Planning Commission approval. The applicant is requesting Tier 3, which requires a minimum of three (3) community benefits (described on page 6) to allow for a 3.0 FAR.

The following applications are required for this project:

- Environmental Review pursuant to the California Environmental Quality Act (CEQA);
- Tentative Parcel Map (Code Chapter 26.08);
- Design Review (Code Sections 25.12.060 and 25.68.020(C)(3)(a));
- Special Permit for building height greater than 65 feet (214'-6" maximum proposed) (Code Sections 25.12.030, Table 25.12-2 and 25.78.060(A)(2)); and
- Special Permit for Community Benefits for increased Floor Area Ratio for a Tier 3 project (3.0 FAR proposed) (Code Sections 25.12.030, Table 25.12-2, 25.12.040, and 25.78.070(A)).

The development table on the following pages provides a summary of the project's compliance with the BFC Zoning District development standards (C.S. 25.12.020 and Table 25.12-2).

**1200-1340 Bayshore Highway****Lot Area:** 523,775 SF (12 acres)**Plans date stamped:** February 1, 2023

	Proposed			Allowed/Required		
<i>Use and Floor Area Ratio:</i>	Life Science Lab/Office 2.71 FAR <sup>1</sup> 1,420,000 SF			Life Science Lab/Office 3.0 FAR 1,571,325 SF		
SETBACKS:						
	Building South	Building Center	Building North	Parking South	Parking North	Required
Front:	10'-0"	10'-0"	10'-0"	10'-0"	10'-0"	10'-0"
Side (Creek):	N/A	35'-0" min	35'-0" min	N/A	N/A	35'-0"
Side Setbacks to proposed property lines: Side (Left): Side (Right):	10'-0" 10'-0"	10'-0" 10'-0"	10'-0" 10'-0"	10'-0" 10'-0"	10'-0" 10'-0"	10'-0"
Side Setbacks to site boundary: Side (Left): Side (Right):	871'-0" 142'-0"	516'-2" 640'-0"	184'-6" 884'-8"	364'-6" 635'-0"	10'-0" 1,131'-8"	10'-0"
Rear to proposed property line:	10'-0" min	10'-0" min	10'-0" min	10'-0" min	10'-0" min	10'-0"
Rear to site boundary:	41'-6"	141'-6"	63'-1"	82'-6"	63'-10"	10'-0"

<sup>1</sup> Special Permit for Development under Tier 3 for increased Floor Area Ratio to 3.0 FAR – with inclusions of at least three Community Benefits (Code Section 25.12.040).

	<b>Proposed</b>	<b>Allowed/Required</b>
<b>BUILDING ENVELOPE:</b>		
<b>Lot Coverage:</b>	45% 238,199 SF	60% 314,265.6 SF
<b>Lot Size:</b>	523,775 SF	20,000 SF
<b>Frontage:</b>	1,412 feet (Bayshore Highway)	50 feet
<b>Building Height:<sup>2</sup></b>	Building North – 214'-6" Building Central – 214'-6" Building South – 210'-6" Parking North – 113'-10" Parking South – 104'-10"	65'-0" above average top of curb (Airport Blvd) Special Permit required for heights exceeding 65'-0" and FAA approval

	Proposed	Allowed/Required
<b>OFF-STREET PARKING:</b>		
<b>Number of Parking Spaces:</b>	<b>Parking North</b> Level B1: 131 spaces Level B2: 121 spaces Level 1: 100 spaces Level 2: 120 spaces Level 3: 134 spaces Level 4: 139 spaces Level 5-9: 725 spaces (145 x 5) Level 10: 147 spaces Level 10.5: 15 spaces <b>1,632 total spaces</b> Compact: 205 spaces (12.6%) Standard: 1,239 spaces ADA: 20 spaces Van ADA: 5 spaces EVCS: 151 spaces EV ADA: 5 spaces EV Van ADA: 2 spaces EV Ambulatory: 5 spaces	<b>Building North</b> Level 1: 27,150 SF Level 2: 33,596 SF Levels 3-6: 185,912 SF (46,478 SF x 4) Levels 7-9: 139,662 SF (46,554 SF x 3) Level 10: 46,550 SF Level 11: 25,346 SF Total SF: 458,216 SF (Office)
	<b>Parking South</b> Level B1: 127 spaces Level B2: 138 spaces Level 1: 70 spaces Level 2: 116 spaces Level 3,5,7,9: 652 spaces (163 x 4) Level 4,6,8: 492 spaces (164 x 3) Level 10: 133 spaces <b>1,728 total spaces</b> Compact: 328 spaces (19%) Standard: 1,235 spaces ADA: 22 spaces Van ADA: 6 spaces EVCS: 164 spaces EV ADA: 5 spaces EV Van ADA: 3 spaces EV Ambulatory: 5 spaces	<b>Building Center</b> Level 1: 12,575 SF Level 1: 2,500 SF (Restaurant) Level 2: 23,252 SF Level 3: 33,574 SF Level 4: 33,498 SF Level 5: 33,574 SF Level 6: 33,577 SF Level 7: 33,650 SF Level 8: 33,725 SF Level 9: 33,724 SF Level 10: 33,725 SF Level 11: 15,713 SF Roof: 7,400 SF Total SF: 323,087 SF
	<b>Total</b> Compact: 533 spaces (15.7%) Standard: 2,474 spaces ADA: 42 spaces Van ADA: 11 spaces EVCS: 315 spaces EV ADA: 10 spaces EV Van ADA: 5 spaces EV Ambulatory: 10 spaces <b>Total: 3,400 spaces proposed</b>	<b>Building South</b> Level 1: 10,368 SF Level 1: 2,500 SF (Restaurant) Level 2: 20,288 SF Level 3: 27,042 SF Level 4: 27,079 SF Level 5: 27,077 SF Level 6: 27,062 SF Level 7: 27,115 SF Level 8-10: 81,573 (27,191 SF x 3) Level 11: 16,322 SF Total SF: 266,426 SF
		<b>TOTAL LEASABLE SF: 1,047,729 SF<sup>3</sup></b> Office: 2,607 spaces (1:400 SF/ 1,042,729 SF) Restaurant: 25 spaces (1:200 SF/5,000 SF)  2,632 spaces x 20% reduction for TDM (527 spaces) = 2,105 <b>2,105 SPACES REQUIRED</b>

	<b>Proposed</b>	<b>Allowed/Required</b>
<b>Compact Spaces:</b>	533 compact spaces (15.7%)	up to 20% of spaces over 20
<b>Parking Space Dimensions:</b>	8.5' x 18' (standard) 8' x 17' (compact) 9' x 18' (ADA) 12' x 18' (EV Van ADA) 10' x 18' (Ambulatory)	8.5' x 18' (standard) 8' x 17' (compact)
<b>Back-Up Aisle:</b>	24'	24'
<b>Bicycle Parking:</b>	Short-term: 120 spaces Long-term: 509 spaces	Per CalGreen Building Code
<b>Driveway Width:</b>	Driveway b/w Southern Building and Southern Parking: 26'  Driveway between Southern Parking and Building 3: four 11-13' wide lanes  Driveway between Center Building and Northern Parking: 26'	Two - 12' wide driveways or One - 18' wide driveway
<b>Driveway Slope:</b>	4.9 - 6% parking garage slopes	Slopes > 15% require approval by the Dept of Public Works
<b>EV Spaces:</b>	340 spaces	10% or 340 spaces
<b>LANDSCAPING:</b>		
<b>Total Site:</b>	26.2% of site 137,553 SF	20% of total site area 104,755 SF
<b>TREE REMOVAL AND REPLACEMENT:</b>		
<b>Total Site:</b>	Protected trees to be removed: 45 Unprotected trees to be removed: 17 Off-site trees to be removed: 0 Proposed new trees (24" box size or greater): 231	

<sup>2</sup> Special Permit for building height (214'-6" maximum height proposed where more than 65'-0" requires a Special Permit) (Code Section 25.12.030).

<sup>3</sup> Per Code Section 25.40.020 (A)(7)(a), areas that are not leasable or generally not occupied, such as lobbies, hallways, stairways, break rooms, restrooms, and utility rooms, shall not be included in the parking requirement calculation, so the area presented to calculate the parking requirement is less than the floor area used to calculate the Floor Area Ratio due to the non-leasable area exclusions.

**Pre-Application Development Agreement Study Session:** A Development Agreement is a voluntary contract between a local jurisdiction and property owner that details obligations of both parties, specifies standards and conditions that would govern development of property, locks in current City land use regulations for a set time, and can be used to negotiate community benefits. The City of Burlingame's Development Agreement process is regulated by Code Chapter 25.104. Pursuant to Code Section 25.104.040, prior to formal application submittal for a Development Agreement, a Planning Commission pre-application study session is required. The Pre-Application Development Agreement Form is included as an attachment to this staff report. Please note that this form was submitted by the project applicant, and the information provided should *not* be considered conclusions of City Staff. Specifically, the Community benefits listed in the application are currently under review by the City to determine if they meet the threshold of defined "Community Benefits" under the Zoning Code. As described below, the project must also provide community benefits to receive Tier 3 FAR (C.S. 25.12.040 (C)), and as part of the staff plan check, staff can confirm that the project meets the minimum threshold of community benefits to qualify for development under Tier 3.

The purpose of the pre-application study session is for the Planning Commission to make comments on various aspects of the development agreement proposal in advance of making any recommendation to City Council. The Planning Commission's comments confer no vested rights upon the applicant to proceed, and the City may thereafter reject the formal application even though it complies with the approved pre-application request. In conformance with State law, no formal direction or decision-making may take place until a project has undergone appropriate environmental review, public hearings, and evaluation for consistency with adopted City codes and plans.

**Request for Special Permit for Building Height:** The maximum building height allowed by right in the BFC Zoning District is 65'-0". Code Sections 25.12.030, Table 25.12-2 and 25.78.060(A)(2) state that properties in this district may exceed 65'-0" in height with approval of a Special Permit. The applicant is requesting a Special Permit for the three office/R&D buildings and two parking structures. The buildings range from a maximum height of 210'-6" for the Southern Building to 214'-6" feet for the North and Center buildings as measured from the average top of curb elevation along Bayshore Highway to the top of the mechanical screening on the roof of each building. The Southern and Northern Parking Structures have proposed heights of 104'-10" and 113'-10", respectively.

The project must also comply with Federal Aviation Administration (FAA) standards and receive a "Determination of No Hazard to Air Navigation". The applicant received a "Determination of No Hazard to Air Navigation" letter for the project on June 22, 2021. The FAA approvals are only valid for a short timeline, and this approval was to expire on December 22, 2022; however the applicant submitted their renewal request on December 5, 2022. In addition, the applicant has noted that they will be resubmitting the project to the FAA to reflect any revision and will likely be receiving a revised "Determination of No Hazard to Air Navigation". Staff will include a condition of approval when the project moves forward to the action hearing that will require an current FAA approval letter be provided to the City prior to building permit issuance.

**Request for Tier 3/Community Benefits:** To provide an incentive for development, and in partnership with the City to provide community benefits that would not otherwise be created, the Planning Commission may grant increased FAR in return for provision of specific community benefits, if doing so is in the City's interest and would help implement the General Plan and further, if these benefits cannot be realized without granting increased FAR. The BFC zoning standards includes "tiered" development standards requiring community benefits to be included in projects to achieve the highest FAR.

The developer is requesting approval to develop this property consistent with Tier 3 development standards. Planning Commission approval is required for Tier 3 projects if it is determined that the project includes at least three (3) community benefits. These benefits are intended to provide public benefits in excess of the City's normal requirements that would be expected as part of development and construction in the City. In addition these benefits are also intended to improve the quality of life of employees, residents, and/or visitors, or assist the City in implementing an approved plan or policy.

The applicant is offering the following community benefits as provided in Code Section 25.12.040 (C). As noted previously, certain of these benefits are still under City review.

1. Public Plaza – Section 25.12.040(C)(1) – The project includes the development of a public plaza at the corner of Airport Boulevard and Bayshore Highway. The plaza would include terraced seating along the wetland, with the intention of providing a space for public events.
2. Sea Level Rise Infrastructure – Section 25.12.040(C)(12) – The construction of the project would raise the shoreline, Bay Trail and adjacent park-like areas to a minimum elevation of 17' and provide infrastructure for flood protection along the creek up to an elevation of 16' and erosion protection up to 14'. Building finished floors would be at an elevation of 16'. These measures are intended to provide flood resilience through the end of the century per the City Council adopted "Map of Future Conditions."
3. Climate Change Measures – Section 25.12.040(C)(11) – The applicant is proposing a LEED Gold target for the new buildings. Staff has asked the applicant to clarify which measures the project would incorporate to achieve Gold certification that exceed the requirements of CalGreen and the City's Reach Code.
4. Habitat Restoration – Section 25.12.040(C)(8) – Improvements along Easton Creek and the south wetland (at Airport/Bayshore) would include restoration of native habitats. Outdoor lighting is proposed to be dark sky compliant.
5. Cultural, Art & Community Events Space - Section 25.12.040(C)(4) – The proposed public plaza at the site's Southern end and the picnic plaza/event lawn between the Northern Office/R&D Building and the Bay are intended as gathering and performance areas for public events and everyday use. The plaza and other public areas would include interpretive signage, public art, and event infrastructure. The southern parking structure would also include a public airplane viewing platform at its top level.
6. Publicly Accessible Park Space – Section 25.12.040(C)(2) – In addition to the BCDC-required Bay Trail improvements, the project would include 5.5 acres of publicly-accessible open space, including a nature play/discovery area, shoreline exploration area, outdoor fitness area, public restrooms and seating, bike share, a bike repair kiosk, drinking fountains, and blue light emergency phones.
7. Flexible Significant Community Benefit – Section 25.12.040.C.13 – This section includes undefined community benefits that are significant and substantially beyond normal requirements and would include providing shuttles through Commute.org shuttle and improvements along Bayshore to accommodate layby drop-offs for buses and shuttles.

Please refer to the attached Special Permit form completed by the applicant for development under the Tier 3 standards. In addition to the Special Permit, the applicant provided a detailed visual and written overview for the proposed Community Benefits with a legend map and detailed sheets with graphics provided for each of the offered benefits (see attachments and Sheet AS-161 through AS-174 of plan set).

**Off-Street Parking/Transportation Demand Management (TDM) Plan:** With the proposed project, there would be a total of 1,415,000 SF of office uses and 5,000 SF of restaurant uses on the site. However, per Code Section 25.40.020(A)(7)(a), parking requirement calculations exclude areas that are not leasable or generally not occupied, such as lobbies, hallways, stairways, break rooms, restrooms, and utility rooms. With those exclusions incorporated the total leasable/occupied R&D/Office floor area is 1,042,729 square feet, with 5,000 square feet of restaurant space. Code Section 25.40.030 requires 1 space per 400 SF for office uses and 1 space per 200 SF for restaurants (these are more restrictive than the requirement for laboratory uses of 1 space per 1,000 SF, but since the end use is unknown at this time, the City would apply the more restrictive requirement). The current proposal for office and restaurant space brings the total parking required to 2,632 spaces. This requirement may be reduced by 20% through implementation of a Transportation Demand Management (TDM) Plan, which is required by the City's Climate Action Plan policies and the Transportation Demand Management Chapter 25.43 for any nonresidential development of 10,000 SF or more. Having provided a TDM Plan, the project's total

required parking is then revised to 2,105 spaces. The total number of parking spaces provided in each of the two proposed parking structures and a breakout of each space type is provided in the Off-Street Parking table above.

A TDM Plan was prepared by Fehr & Peers for the proposed project and is under review by City staff. The purpose of the TDM Plan is to define specific TDM measures to be implemented by the project to meet the City's TDM goal, which is that at least 20% of all employees regularly commute to work using modes other than single occupant vehicles (SOVs) or use an alternative work hour schedule. This would help to reduce traffic congestion, reduce greenhouse gas emissions and other air pollution, and reduce the demand for parking.

The TDM Program is a component of the City/County Association of Governments of San Mateo County (C/CAG) Congestion Management Program (CMP) which provides guidelines for analyzing the impact of land use decisions made by municipalities in San Mateo County. Starting last year, the C/CAG TDM Policy requires that local jurisdictions implement specific measures to reduce SOV trips of all new developments that are expected to generate at least 100 average daily trips (ADT). C/CAG requires applicable projects to submit a TDM checklist, which outlines required TDM measures and strategies for different project sizes and uses, and to monitor the program effectiveness beginning with a tenant travel survey two years after project occupancy. This is in addition to the reporting requirements prescribed in the City's TDM regulations (Chapter 25.43).

The proposed project would benefit from the allowed 20% parking reduction and the TDM plan provides implementation measures to encourage alternative forms of transportation and to reduce the parking demand. Proposed TDM measures are described in greater detail in the TDM Plan, but in summary they include the following:

- Increase Job Density – The Project provides higher job density compared to the national job density average. Higher job density results in shorter and fewer trips by single-occupancy vehicles. This measure also takes into account the presence of on-site complimentary land uses and amenities that would support reduced vehicle trips by providing services on-site.
- Bicycle Facilities - The Project plans to encourage commuting to work by bicycle by including secure bike parking, a bike repair station, showers, and personal lockers, and changing areas.
- Pedestrian and Bicycle Network Improvements – The project includes new sidewalks and closes gaps in the existing pedestrian and bicycle network that would encourage more commuters to use active modes.
- Employee Survey – The facility manager would conduct an annual survey of employees to better understand commute patterns and ways to support non-driving modes.
- Commute Trip Reduction Marketing - C/CAG requires tenants actively participate in Commute.org or a Transportation Management Association Equivalent program. This task requires information sharing and marketing by building tenant/employer to promote and educate employees about travel choices options for accessing the project site and guaranteed ride home service. C/CAG requires the tenant provide a transportation coordinator or an employee who would be responsible for supplying orientation and information to encourage employees to use non-SOV modes of commuting to work.
- Shuttle Program / Fund Transit Service – The project sponsor has agreed with Commute.org to fund additional shuttle service to the project site and would purchase a second shuttle that would allow shuttle frequency to increase from approximately 20 minute headways to 15 minute headways.



C.S.25.43.070 requires that a TDM annual report to be submitted to the City of Burlingame. The report must be prepared by a qualified, independent consultant and paid for by the owner (or if applicable, tenant). The initial, or baseline, driveway trip count report is to be conducted and submitted one year after the granting of a certificate of occupancy for 75 percent or more of the project and then annually. The TDM report is required to consist of a quantitative measure of whether the volumes at the site's driveways are meeting the goal. This annual report also needs to include information about the level of alternative mode-uses and/or provide trip counts, and in the event a 20 percent reduction in peak-hour vehicle trips and reduction in overall parking demand is not met, the report shall explain how and why the goal has not been reached; in such a circumstance the annual report must 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 of a 20 percent reduction in peak-hour vehicle trips. The City would need to consider whether the employer/tenant has made a good faith effort to meet the TDM goals and may allow the owner (or if applicable, tenant) a six-month "grace period" to implement additional TDM measures to achieve the 20 percent vehicle trip reduction.

A Traffic Impact Analysis Report (TIA), which evaluates intersection and roadway operations, was prepared Fehr and Peers and is currently under reviewed by the City along with the TDM Plan.

**Landscaping:** Landscaping proposed on and off the site is shown on the landscape plans, sheets L-001 through L-502. There are a significant amount of landscape improvements proposed as partially detailed in the community benefits section above. The project would remove 62 existing trees, 45 of which are protected-size and require a Tree Removal Permit. There would be approximately 231 new trees planted (24 and 36-inch box size). Landscaping would be provided throughout the project site, including in the plaza area, along the Bay Trail and pedestrian and bicycle paths, and around the perimeters of the proposed buildings.

The BFC District development standards require that 20% (104,755 SF) of the site be landscaped; the project is proposing 26.2% landscaping or 137,553 SF.

The landscaping would meet the City's water conservation requirements (Chapter 18.17) with drip irrigation for all planting areas. The planting palette would include understory planting with drought-tolerant native and climate-adopted woody shrubs, herbaceous perennials and evergreen perennial grasses. The species selected for the site are those that are adapted for the Bayfront conditions. This includes the tree selection with Coast live oak, Monterey pines, California buckeyes and Brisbane box that are suited for wind tolerance and drought conditions.

**Shoreline Improvements/Bay Conservation and Development Commission (BCDC):** On June 13, 2022, the proposed project was initially reviewed by BCDC's Design Review Board, with a subsequent review meeting on November 14, 2022. As the project includes development within the Shoreline Band, evidence of final approval by the BCDC Board will be required to be provided to the City prior to building permit issuance.

Currently, the project site does not connect to the Bay Trail as it terminates just north of the project site at 1350 Bayshore Highway. Bay Trail users must go to the sidewalk along Bayshore Highway, in front of the project site, to connect to where the Bay Trail re-starts just south of the project site at the northeastern corner of Airport Boulevard and Bayshore Highway. The proposed project includes constructing a new 1,475-foot segment of the Bay Trail that would now connect to the existing trail segments that terminate at the project site, in addition to public amenity and landscaping improvements along the shoreline of the 12-acre site. Per BCDC Standards, the Bay Trail would be 20 feet wide. The elevation of the site's trail segment, surrounding open space, and shoreline infrastructure would be 17 feet to address sea level rise (end of century estimated elevation), as recommended on the City's "Map of Future Conditions." Proposed building finished floors would have an elevation of 16 feet.

**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 Bayfront Commercial District are detailed in Code Section 25.12.060 and requires the proposed project to be reviewed by the Planning Commission for the following considerations based on Code Section 25.68.060(E):

1. Support of the pattern of diverse architectural styles in the area in which the project is located;
2. 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;
3. For commercial and industrial developments on visually prominent and gateway sites, whether the design fits the site and is compatible with the surrounding development;
4. 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;
5. 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
6. 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.

In addition to the Commercial Design Guidelines above, there are design principles for the Bayfront Commercial Zoning District detailed in Code Section 25.12.060 and are required to be reviewed by the Planning Commission for the following considerations; where measurable standards are noted staff has provided calculations to demonstrate compliance:

- A. Design Intent.** Development shall relate to both the street and to the Bay to provide view corridors from and across Bayshore Highway and to create gateways at key locations. Development shall support of the pattern of diverse architectural styles and the role of the shoreline in creating a network of interconnected open spaces.
- B. View Corridor Requirement.** To provide a view corridor, the width of a structure or combined structures on a lot shall not obstruct more than 75 percent of the length of the property line along Bayshore Highway, including setbacks. For purposes of this requirement, structure or combined structures shall not include architectural elements, by may include an elevated podium to accommodate flood elevations and/or parking.
  - Complies –  $1,412' \text{ lot width} \times 75\% = 1,059' \text{ max allowed structure length}$   
 $966' \text{ (68\%)} \text{ combined structure width}$
- C. Support the Shoreline.** On visually prominent sites and sites with shoreline as defined by the Bay Conservation and Development Commission, design shall fit the site and be compatible with surrounding development, support the Bay Trail and its park and recreational uses, provide for maximum user access, and support recreational use by those who work in the area as well as those who visit. Pedestrian amenities are encouraged along the shoreline adjacent to the Bay Trail.

- D. Orientation.** Building entries shall be readily visible from the street and be easily identifiable, preferably on Bayshore Highway. Buildings that are setback from the street shall have attractively landscaped plazas leading to the main building entry, and seating areas are encouraged in the front setback. Businesses at important intersections are encouraged to locate their entrances at the building corner.
- E. Ground Floor Transparency.** At least 25 percent of the exterior walls on the ground floor or first level facing the street shall include windows, doors, or other openings.
- The project meets this requirement with 33% first floor transparency as shown on Sheet A.BN-302 for Building North, 26% for Building Center (A.BC-304), 28% for Building South (A.BS-302), 25% for Parking South (A.PS-302) and 25% for Parking North (A.PN-301).
- F. Building Articulation.** Each side of buildings shall have a cohesive 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. Building Design.** The pattern of diverse architectural styles throughout the district and the role of the shoreline in creating a network of interconnected open spaces is encouraged. New developments shall implement a single architectural style for the project, with consistency among primary elements of the structure(s).
- H. Streetscape.** Development shall respect and promote the streetscape through building placement to maximize the commercial use of the street frontage, off-street public spaces, and by locating parking to minimize its impact on street frontages. For properties with any water frontage, design shall be sensitive to the surrounding bodies of water, physical and visual presence of the Bay Trail, and the orientation of the prevailing winds.
- I. Location of Surface Parking.** Surface parking areas shall be located to the sides and rear of the building, when feasible, to encourage a pedestrian-friendly street edge. No surface parking areas shall be located between any structure and the lot frontage, except for limited visitor parking areas. Driveways are allowed in the setback, but the driveways shall not be considered as landscaped area.
- No surface parking proposed, not applicable.
- J. Location and Design of Structured Parking.** Structured parking shall be designed to be compatible with the architectural design and materials of the buildings.
- K. Bird Friendly Design.** All development shall incorporate bird-friendly design that minimizes potential adverse impacts to native and migratory birds, such as fritted or patterned glass, projecting architectural features, lighting design, and screening with trees.
- Bird friendly design criteria and considerations taken are provided on Sheet G-301.
- L. Protection of the Bay Environment.** Site features shall include orientation to minimize wind obstruction on San Francisco Bay, protection of the Bay environment, and landscaping and pedestrian circulation that enrich and enhance the existing recreation opportunities of the area, including extension of the Bay Trail as well as the commercial neighborhood.

The exterior materials are detailed in the renderings on Sheets G-211 through G-222 and on the Architectural Material Board on Sheet G-301. The materials include: vision glass; shadow box; fritted glass curtainwall; perforated metal; light metal; concrete; cementitious panel; glass with graphic interlayer; and warm metal.

**Public Impact Fees:** The purpose of public impact fees is to provide funding for necessary maintenance and improvements created by development projects. Public 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 impact fees for this development project are approximately \$12,006,446.20 and is required to be paid in full, prior to issuance of the building permit. The final fee amount will be calculated based on the fee schedule in effect at the time the building permit is issued, with half of the fees required at permit issuance and half due prior to the framing 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 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 \$24,836,190.00 with prevailing wage. The fee is required to be paid in full, prior to issuance of the building permit. The final fee amount will be calculated based on the fee schedule in effect at the time the building permit is issued.

**Bayfront Development Fees:** In the past, projects in the Bayfront were subject Bayfront Development fees in lieu of the Public Facilities Streets and Traffic fee; however, given the recent General Plan and Zoning Code Update, the Bayfront Specific Plan was repealed by the City Council on December 5, 2022 and therefore projects are no longer required to payment of Bayfront Development Fees. With the repeal of the Bayfront Development Fees, projects are now subject to the full range of Public Facilities Impact Fees, including the Streets and Traffic Fee.

#### **Planning Commission Action:**

1. **Design Review Study:** As the first discussion item, the Planning Commission should review the design of the project for the following considerations for commercial development, as outlined in Code Section 25.68.060(E) and 25.12.060 of the Bayfront Commercial Design Guidelines as detailed in the staff report above.
2. **Pre-Application Development Agreement Study Session:** As the second discussion item, the Planning Commission should review and comment on the Development Agreement Pre-Application and community benefits proposal.

Because a CEQA document is being prepared for this project, it is important that any changes to the building envelope be made early enough in the process so that any changes are reflected in the environmental review. Subsequent changes once the CEQA process has begun may result in the need for additional studies and analysis and will require additional time for the CEQA process to accommodate the review of such changes.

Kelly Beggs                      Ralph Robinson  
Contract Principal Planner    Contract Associate Planner

Catherine Keylon  
Senior Planner

c: Virginia Calkins, DW Burlingame Venture, LLC, applicant  
Ben K. Mikus, WGNS Studio, architect

Attachments:

August 22, 2022 Planning Commission Meeting Minutes

Application to the Planning Commission

Commercial Application

Special Permit Applications

- Building Height
- Tier 3 with Community Benefits

Environmental Information Form

Climate Action Plan (CAP) Consistency Checklist

Development Agreement Pre-Application

- Exhibit 1 – Community Benefits Matrix (Applicant Exhibit- Not a City Document)
- Exhibit 2 – Community Benefits Summary (Applicant Exhibit- Not a City Document)

Comment Letters

- K. Kretch, Hyatt Regency, dated April 18, 2022
- L. Kershner, Marriot Hotel, dated April 20, 2022
- Lozeau/Drury, dated August 19, 2022
- A. Au, dated August 30, 2022
- S. Rogers, dated September 1, 2022
- K. Kretch, Hyatt Regency, dated February 8, 2023

Notice of Public Hearing – Mailed February 3, 2023

Area Map