

# City of Burlingame

*Environmental Scoping and Design Review Study for a  
New Three-Story Commercial Building*

**Item No. 9d  
Environmental Scoping &  
Design Review Study**

**Address:** 988 Howard Avenue

**Meeting Date:** June 8, 2015

**Request:** Environmental scoping and Design Review for an application for Environmental Review, Commercial Design Review, Conditional Use Permit for building height, and Setback and Parking Variances for a new 3-story commercial building.

**Applicant:** Dimitrios Sogas

**APN:** 029-214-220

**Architect:** Toby Levy, Levy Design Partners

**Property Owners:** Robert Lugliani

**General Plan:** Shopping and Service- Downtown Specific Plan (Myrtle Road Mixed Use Area)

**Lot Area:** 15,352 (0.35 Acres)

**Zoning:** MMU (Myrtle Road Mixed Use Area)

**Adjacent Development:** Auto sales, service and storage; retail and personal service, multiple-family residential and single family residential, railroad right-of-way

**Current Use:** Gas Station/Automobile Repair

**Proposed Use:** 3- Story Commercial Building (retail/office)

**Allowable Use:** Retail, Personal Services, Business Services, Service Commercial, Office, Travel Agencies, Government Agencies.

**Environmental Review:** Environmental review is required because the proposed project includes a new commercial building that exceeds 10,000 SF in floor area and therefore does not qualify for an exemption from CEQA (California Environmental Quality Act). As a part of preparing the Initial Study for the environmental document for this project, staff is requesting that the Planning Commission comment on any potential environmental effects which it feels should be investigated. The standard list of items investigated in an Initial Study is attached for reference. These potential environmental effects which will be considered in the CEQA document include:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Noise
- Transportation
- Utilities and Service Systems
- Energy
- Cumulative Impacts

The issues identified by the Commission will be incorporated into the environmental documents for the project. At this time, staff notes that based on preliminary analysis, it appears that the type of CEQA document required will be a (Mitigated) Negative Declaration. However, the type of CEQA document will be finalized during the environmental review process. The City has entered into a contract with Circlepoint environmental planning consultants to prepare the CEQA document for this project.

During preliminary review Planning staff identified that the following applications will be required for this project:

- Commercial Design Review (Code Section 25.57.010(c));
- Conditional Use Permit for building height (45'-0" proposed where 35'-0" is the maximum allowed without a CUP) (C.S. 25.34.055);
- Parking Variance for number on-site parking spaces (60 on-site parking spaces provided where 73 parking spaces are required for the proposed uses; 13 space deficiency) (Code Section 25.70.010 (a)); and
- Rear Setback Variance (10'-0" rear setback proposed where 20'-0" is the minimum required) (C.S. 25.34.060(c)).

**Design Review:** Design Review is required for new commercial buildings pursuant to C.S. 25.57.010(c)(1). Design Review was instituted for commercial projects in 2001 with the adoption of the Commercial Design Guidebook. The subject property is located within the boundaries of the Downtown Special Plan therefore in addition to the guidelines provided in the Commercial Design Guidebook, there are design recommendations provided in the Chapter 5.0 of the Downtown Specific Plan that apply to the proposed project. The site is located in the Myrtle Road Mixed Use Area, which has specific design provisions that apply as noted in Section 5.2.4 (Page 5-7) of the Downtown Specific Plan.

The following design review criteria for commercial development projects are outlined in the zoning code:

- (1) Support of the pattern of diverse architectural styles that characterize the city's commercial, industrial and mixed use areas; and
- (2) Respect and promotion of pedestrian activity by placement of buildings to maximize commercial use of the street frontage, off-street public spaces, and by locating parking so that it does not dominate street frontages; and
- (3) On visually prominent and gateway sites, whether the design fits the site and is compatible with the surrounding development; and
- (4) Compatibility of the architecture with the mass, bulk, scale, and existing materials of existing development and compatibility with transitions where changes in land use occur nearby; and
- (5) Architectural design consistency by using a single architectural style on the site that is consistent among primary elements of the structure, restores or retains existing or significant original architectural features, and is compatible in mass and bulk with other structures in the immediate area; and
- (6) Provision of site features such as fencing, landscaping, and pedestrian circulation that enriches the existing opportunities of the commercial neighborhood.

**Project Summary:** The subject property is located at 988 Howard Avenue. The site is bound by three streets, East Lane, Howard Avenue and Myrtle Road. The narrowest portion of a parcel is considered the frontage for zoning purposes; in this case Myrtle Road is considered the front of the property. The site is currently occupied by a gas station and automobile repair shop. Abutting the property to the north is an automotive service garage, across the street to the south is an automobile storage lot, across the street to the east is a two-story mixed use building with retail and personal services on the ground floor and residential above, and across the street to the west are the railroad tracks with automobile sales and service beyond (along California Drive).

The applicant is proposing to construct a new three-story commercial building. The proposed building will contain approximately 1,300 SF of retail space on the ground floor with approximately 21,000 SF of office

space on the two floors above. The proposal also includes a 4,300 SF roof deck. The building height proposed is 45-feet.

There will be at-grade parking located behind the lobby and retail space on the ground floor, with access off of East Lane. In addition there will be below-grade parking provided as well with access off of Howard Avenue with a total of 60 on-site parking spaces provided.

The retail space will be accessible from both Howard Avenue and Myrtle Road. The lobby to access the second and third floor office spaces will be along East Lane. At this time the office space is being designed to accommodate either a single tenant or multiple tenants. In addition to the roof deck that is proposed, both floors of office will provide multiple deck areas along the three street facing sides of the building.

**Lot Area:** 15,352 SF (0.35 Acres)

**Plans date stamped:** June 13, 2014

	<b>PROPOSED</b>	<b>ALLOWED/REQUIRED</b>
<b>Use</b>	Office and Retail Uses	Office Use – Permitted C.S. 25.34.020(e) Retail Use – Permitted C.S. 25.34.020(a)
<b>SETBACKS</b>		
<b>Front: (Myrtle Road)</b>	20'-0"	10'-0"
<b>Side (interior): (exterior):</b>	0 5'-0"	None Required None Required
<b>Rear: (East Lane)</b>	10'-0" <sup>2</sup>	20'-0"
<b>BUILDING ENVELOPE:</b>		
<b>Lot Coverage:</b>	11,160 SF 72.6%	11,514 SF 75%
<b>Height::</b>	45'-0" <sup>1</sup>	Heights over 35'-0" require conditional use permit (up to a maximum of 45'-0")
<b>OFF-STREET PARKING</b>		
<b>Number of Parking Spaces:</b>	60 spaces <sup>3</sup>  Standard – 47 spaces Puzzle stacker- 5 spaces <u>Tandem – 8 spaces</u> <b>Grand Total= 60 spaces</b>	Office - 1 space per 300 SF Retail - 1 space per 400 SF  Office: Second floor 10,650 SF Third floor <u>10,230 SF</u> 20,880 SF/300 = 69.6 spaces Retail: 1,325 SF/400 SF = <u>3.31 spaces</u> <b>Grand Total = 73 spaces</b>
<b>Drive Aisle/ Clear Back-up Space:</b>	24'-0"	24'-0" aisle required for 90-degree parking or all spaces can be exited in 3 maneuvers or less

<sup>1</sup> Rear setback variance requested for a 10'-0" rear setback where a minimum of a 20'-0" rear setback is required.

<sup>2</sup> Conditional Use Permit requested for 45'-0" height where 35'-0" is the maximum allowed without a CUP.

<sup>3</sup> Parking variance requested for 60 on-site parking spaces where 73 on-site parking spaces are required.

	PROPOSED	ALLOWED/REQUIRED
<b>Parking Space Dimensions:</b>	Standard spaces = 8'-6" x 18'	Standard spaces = 8'-6" x 18'
<b>Driveway Width:</b>	12'-0" driveway width- East Lane entrance (21 vehicles)  18'-0" driveway width- Howard Avenue entrance (39 vehicles)	Parking areas with not more than 30 vehicle spaces shall have a minimum driveway width of 12'-0"  Parking areas with more than 30 vehicle spaces shall have a minimum driveway width of 18'-0"
<b>LANDSCAPING</b>		
<b>Landscaping:</b>	78% (820 SF)	10% of front setback 1,050 x 10%= 105 SF

**General Plan and Zoning:** The Burlingame General Plan designates this site for Shopping and Service Uses. In 2010 the City Council adopted the Burlingame Downtown Specific Plan, which serves as an element of the General Plan. The subject property is located within the boundaries of the planning area for the Downtown Specific Plan, specifically in the Myrtle Road Mixed Use Area. The Plan describes the Myrtle Road Mixed Use Area as follows:

*The Myrtle Road Mixed Use area is centered on Myrtle Road and East Lane, east of the CalTrain railroad tracks. Development will be consistent with the existing neighborhood scale of small streets and mix of varied commercial and residential buildings. Existing residential and commercial properties could be improved and expanded at a scale consistent with the adjacent residential areas. The area is meant to serve as a buffer between the downtown commercial district and the residential neighborhoods to the east.*

**Off-Street Parking/Parking Variance Request:** The code requires one parking space for each 300 SF of office space and one parking space per 400 SF of retail space, for a total of 73 on-site parking spaces required given the proposed square footage. The project includes 60 on-site spaces. There will be 21 spaces provided at-grade, tucked behind the retail space with an entrance along Howard Avenue. The at-grade parking includes a 5-car puzzle stacker. A puzzle stacker is a mechanical parking option that provides independent access to all cars parked on the system. The two high puzzle lift does not require a pit; however it does require one empty slot. There will be 39 below-grade parking spaces provided as well with access from a driveway along East Lane. Eight of the 39 spaces will be provided as tandem spaces.

The Municipal Code does not include specifications for parking lifts, so the City currently does not have a standard mechanism for review and approval. However, as a policy the Downtown Specific Plan encourages "creative approaches" to providing on-site parking including parking lifts. The parking lifts and tandem spaces could each be considered "creative approaches" to providing the required on-site parking. Other Bay Area communities including neighboring San Mateo have approved similar projects with parking lifts.

The applicant has prepared a trip generation and parking demand analysis for the proposed project. This analysis, prepared by Nelson Nygaard is attached for reference. In summary the trip generation analysis indicates that due to the project location near transit and services that the number of trips generated will be reduced by 16.2% when compared to standard ITE trip generation rates. The parking demand analysis used ITE's Parking Generation Manual, 4<sup>th</sup> Edition, and when compared to the City' parking requirements the study indicates that the project would generate a demand for 59 spaces where the City's Zoning Code requires 73 spaces.

**Rear Setback Variance Request:** Code Section 25.34.060 (c) requires properties in the MMU (Myrtle Road Mixed Use) zone to have a rear setback of at least 20-feet. The subject property is bordered by three streets, with Myrtle Road considered the front and East Lane considered the rear of the property. The properties along Myrtle Road are a mix of residential and retail /personal service uses, where East Lane acts as a frontage road along the railroad tracks. In order to have more of an interface with the existing neighborhood the applicant wishes to provide a larger front setback along Myrtle Road and essentially swap the front and rear setback requirement. The project will provide a 20-foot front setback along Myrtle Road, where only 10-feet is required and a 10-foot rear setback along East Lane where 20-feet is required, which will require approval of a rear setback variance.

In accordance with C.S. 25.54 the Planning Commission would need to make the following findings in order to grant a variance:

- (a) There are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to property in the same district;
- (b) The granting of the application is necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship;
- (c) The granting of the application will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare or convenience;
- (d) That the use of the property will be compatible with the aesthetics, mass, bulk and character of existing and potential uses of properties in the general vicinity.

**Conditional Use Permit Request for Height:** The Myrtle Road Mixed Use District states that no building shall exceed a height of 45-feet. A conditional use permit is required for any building which exceeds thirty-five (35) feet in height. The proposed height, measured to the top of the parapet, will be 45 feet (from average top of curb). In order to grant approval of a Conditional Use Permit the following findings must be made by the Planning Commission:

- (a) The proposed use, at the proposed location, will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare or convenience;
- (b) The proposed use will be located and conducted in a manner in accord with the Burlingame general plan and the purposes of this title;
- (c) The planning commission may impose such reasonable conditions or restrictions as it deems necessary to secure the purposes of this title and to assure operation of the use in a manner compatible with the aesthetics, mass, bulk and character of existing and potential uses on adjoining properties in the general vicinity.

**Staff Comments:** See attached comments from the Chief Building Division, Parks Division, Engineering Division, Stormwater Division and Fire Division.

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

1. **Environmental Scoping:** As the first discussion item, the Planning Commission should review and take public comment on the proposed project and the areas of potential environmental effects as listed in the staff report. The Commission should add any additional effects of the project that it believes should be addressed in the CEQA document. The areas of investigation for environmental evaluation as defined by CEQA are listed in the attached Initial Study Checklist for your reference.
2. **Design Review Study:** As the second discussion item, the Commission should comment on the design of the project as required by Chapter 25.57 of the Zoning Ordinance, Design Review, and to the following design criteria for commercial projects:
  - a. Support of the pattern of diverse architectural styles that characterize the city's commercial, industrial and mixed use areas; and

- b. Respect and promotion of pedestrian activity by placement of buildings to maximize commercial use of the street frontage, off-street public spaces, and by locating parking so that it does not dominate street frontages; and
- c. On visually prominent and gateway sites, whether the design fits the site and is compatible with the surrounding development; and
- d. Compatibility of the architecture with the mass, bulk, scale, and existing materials of existing development and compatibility with transitions where changes in land use occur nearby; and
- e. Architectural design consistency by using a single architectural style on the site that is consistent among primary elements of the structure, restores or retains existing or significant original architectural features, and is compatible in mass and bulk with other structures in the immediate area; and
- f. Provision of site features such as fencing, landscaping, and pedestrian circulation that enriches the existing opportunities of the commercial neighborhood.

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.

Catherine Barber  
Senior Planner

- c. Dimitrios Sogas, applicant  
Toby Levy of Levy Design Partners, project architect  
Robert Lugliani, property owner

Attachments:

Application to the Planning Commission  
Project Description, submitted by the applicant  
Environmental Information Form, submitted by the applicant  
Conditional Use Permit Application  
Variance Application  
Nelson/Nygaard Vehicle Trip Generation and Parking Demand Analysis Memo, March 4, 2015  
Neighborhood Photos  
Staff Comments  
Letter of Concern- Email from J. Wald, Anita Road  
Initial Study Checklist – blank  
Notice of Public Hearing – Mailed May 29, 2015  
Aerial Photo