



COMMUNITY DEVELOPMENT DEPARTMENT • 501 PRIMROSE ROAD • BURLINGAME, CA 94010
p: 650.558.7250 • f: 650.696.3790 • www.burlingame.org

APPLICATION TO THE PLANNING COMMISSION

Type of application:

☒ Design Review ☐ Variance ☐ Parcel #: _____
☐ Conditional Use Permit ☐ Special Permit ☐ Zoning / Other: _____

PROJECT ADDRESS: 920 Bayswater Avenue, Burlingame, CA 94010

APPLICANT

Name: Fore Property Company - Mark Pilarczyk

Address: 20 S. Santa Cruz Ave, #300

City/State/Zip: Los Gatos, CA 95030

Phone: 408-203-1892

E-mail: mpilarczyk@foreproperty.com

PROPERTY OWNER

Name: Multiple Owners, legal counsel represented by Laurie Gustafson

Address: 101 Howard Street, Suite 400

City/State/Zip: San Francisco, CA 94105

Phone: 415-655-8100

E-mail: lgustafson@bwsllaw.com

ARCHITECT/DESIGNER

Name: Wither Malcolm Architects, LLP - Dirk Thelen

Address: 2251 West 190th Street

City/State/Zip: Torrance, CA 90504

Phone: 310-217-8885

E-mail: dthelen@withermalcolm.com

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JAN 30 2017

CITY OF BURLINGAME
CDD-PLANNING DIV.

Burlingame Business License #: 31586

Authorization to Reproduce Project Plans:

I hereby grant the City of Burlingame the authority to reproduce upon request and/or post plans submitted with this application on the City's website as part of the Planning approval process and waive any claims against the City arising out of or related to such action. [Signature] (Initials of Architect/Designer)

PROJECT DESCRIPTION: 140-unit apartment community with two-levels of Type I concrete subterranean parking and four stories of Type V wood frame residential above. A class A luxury apartment community.

AFFIDAVIT/SIGNATURE: I hereby certify under penalty of perjury that the information given herein is true and correct to the best of my knowledge and belief.

Applicant's signature: [Signature] Date: 1-27-17

I am aware of the proposed application and hereby authorize the above applicant to submit this application to the Planning Commission.

Property owner's signature: See attached owner authorization letter Date: _____

from counsel for all property owners.

Date submitted: _____

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CITY OF BURLINGAME
CDD-PLANNING DIV.

January 25, 2017

The City of Burlingame Community Development Department -
Planning Division
Attn: Kevin Gardiner, Planning Manager
501 Primrose Road
Burlingame, CA 94010

RE: 920 Bayswater (Bayswater and Myrtle) – Property Owner authorization for entitlement processing.

Dear Kevin,

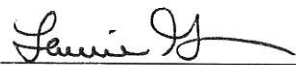
The proposed apartment development by Fore Property Company consists of seven (7) parcels owned by four (4) different owners. The owners are as follows:

- John C. Hower and Donna W. Hower, Co-Trustees of the John C. Hower and Donna W. Hower 2003 Family Trust UDT dated October 6, 2003, and James Dennis Hower
 - 112 Myrtle Road (029-235-190)
 - 116 Myrtle Road (029-235-200)
 - 120 Myrtle Road (029-235-210)
 - 920 Bayswater Avenue (029-235-170)
- John F. Ohlund, Trustee of the John F. Ohlund Trust UDT dated November 6, 1997, and Eric G. Ohlund and Anneliese Ohlund Abdella
 - 108 Myrtle Road (029-235-180)
- Doris J. Mortensen, Trustee of the Doris J. Mortensen Family Trust UDT dated June 30, 2005.
 - 124 Myrtle Road (029-235-220)
- Julie Baird and Laurie K. Simonson, as community property with right of survivorship
 - 908 Bayswater Avenue (029-235-160)

Please consider this letter as formal notification and authorization for Mark Pilarczyk, on behalf of Fore Property Company, to work with all City Staff departments (Planning, Building, Fire, etc.) to process entitlements for a proposed multifamily development on our property. We also ask for your confidentiality through this process.

Sincerely,

Property Owner Representative

By: 

Laurie Gustafson, Burke, Williams & Sorensen, LLP,
Seller's Counsel

Dated: January 25, 2017

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CITY OF BURLINGAME
CDD-PLANNING DIV.

Bayswater Avenue & Myrtle Road
Proposed 140-unit Apartment Development
By
Fore Property Company

Applicant:

Fore Property Company
Mark Pilarczyk
20 S. Santa Cruz Avenue, #300
Los Gatos, CA 95030
(408) 203-1892
mpilarczyk@foreproperty.com

Property Owners:

John C. Hower and Donna W. Hower, Co-Trustees of the John C. Hower and Donna W. Hower 2003 Family Trust UDT dated October 6, 2003

John F. Ohlund, Trustee of the John F. Ohlund Trust under agreement dated November 6, 1997

Doris J. Mortensen, Trustee of the Doris J. Mortensen Family Trust

Julie Baird and Laurie K. Simonson

Location:

John C. Hower – 112 Myrtle Road (029-235-190), 116 Myrtle Road (029-235-200), and 120 Myrtle Road (029-235-210) along with 920 Bayswater Avenue (029-235-170)

John F. Ohlund – 108 Myrtle Road (029-235-180)

Doris J. Mortensen – 124 Myrtle Road (029-235-220)

Julie Baird and Laurie K. Simonson – 908 Bayswater Avenue (029-235-160)

General Plan Designation:

Burlingame Downtown Specific Plan

Zoning:

Myrtle Road Mixed Use Area (MMU) and R3

Site Description and Surrounding Uses:

The project site consists of an assemblage of seven parcels totaling 1.22 acres in total area and is relatively flat in topography. The property is currently being used for several uses which include: automotive shop, single family homes, and rental apartments. To the north and east of the site are existing apartment buildings along with a recently built condominium project at the corner of Bayswater

Avenue and Anita Road. To the south is the Caltrain railroad tracks and a triangular lot that is used for automotive car storage for a local auto dealership.

Project Summary:

The proposed project consists of a four-story apartment community with ground floor residential units and leasing/common areas. Parking will be accessed off Myrtle Road and is two levels of subterranean parking podium constructed out of Type I concrete. The proposal includes 140 apartment units and will be constructed of Type V wood frame. The community will be a luxury Class A apartment with tenant amenities such as a gym, lounge area/ cybercafé, business center, bike shop, storage lockers, etc. and will be construction of high grade material to blend the industrial feel of the neighborhood with the more modern/contemporary living spaces that are in demand within the Bay Area.

The proposed residential portion of the project will consist of studio's, one bedroom, and two bedroom units. The proposed project is utilizing the State Density Bonus by providing on-site affordable/BMR units within the proposed project. Affordable housing is being provided with the approximate breakdown: 10% at Moderate Income (80%AMI). In utilizing the State Density Bonus, the project is requesting the use of the reduced parking requirement and one development standard concession. The development standard concession that is being requested is the use of the 45' height limit as a by-right entitlement within the zoning instead of requiring a Conditional Use Permit (CUP).

The architectural design is contemporary in nature with industrial elements to blend with the fabric of the neighborhood as indicated in the Myrtle Road Mixed Use Area General Plan. The ground level façade treatment will be strong stone material for better looking material that lasts long and provides for a strong base for the development. The use of outdoor corner plaza at Bayswater Avenue and Myrtle Road will promote the pedestrian walkability and connectivity and help create additional set back of the building softening the corner at that intersection. The proposed detail elements on the ground floor would include metal, wood, and stucco portions blending harmoniously throughout the project with a focused area of aluminum street front windows and doors to distinguish the leasing lobby at the corner. A unique design feature is the use of glass to provide a clear sight line from Baywater Avenue and Myrtle Road through the leasing lobby and into the interior courtyard. This will allow the lush landscape from within the courtyard to be experienced by all from the exterior of the building.



ENVIRONMENTAL INFORMATION FORM
(to be completed by applicant when Negative Declaration or Environmental Impact Report is required)

JAN 30 2017

CITY OF BURLINGAME
CDD-PLANNING DIV.

GENERAL INFORMATION

Project Address: 920 Bayswater Ave

Assessor's Parcel Number: Multiple - see project summary narrative

Applicant Name: Fore Property Co. - Mark P. Marczyk

Property Owner Name: Hower, Ohlund, Mortensen + Baird

Address: 20 S. Santa Cruz Ave, #300

Address: 908 + 920 Bayswater, 108, 112, 114, 120, 124 Myrtle Rd

City/State/Zip: Los Gatos, CA 95030

City/State/Zip: Burlingame, CA 94010

Phone: 408-203-1892

Phone: 415-655-8100, Laurie Gustafson

Permit applications required for this project (special permit, variance, subdivision map, parcel map, condominium permit, building permit, etc.): Parcel Map and Building Permit Design Review

Related permits, applications and approvals required for this project by City, Regional, State and Federal Agencies: Design Review

SITE INFORMATION

Site size: 1.22 Acres and 53,012 Square Feet Existing Zoning: MMV + R3

Existing use(s) of property: Automotive shop, apartments, single family homes

Total Number of Existing Parking Spaces¹: ca. 31 Number of Compact Spaces¹: 0

Number of Existing Structures and Total Square Footage of Each: 10 existing structures, 15,400 SF in total

Will any structures be demolished for this project? ☒ Yes ☐ No

Size and use of structures to be demolished: All of them will be demolished for redevelopment of all 7 parcels for one single apartment community

Number and size of existing trees on site: 7 range from 6" to 48"

Will any of the existing trees be removed? ☒ Yes ☐ No

If Yes, list number, size and type of trees to be removed: All 7 removed and replanted with new development to meet the requirements

Are there any natural or man-made water channels which run through or adjacent to the site?

☐ Yes ☒ No If Yes, where? _____

¹ City of Burlingame minimum standard parking space size is 9'x20'. The minimum size for compact parking spaces is 8'x17'. Refer to City of Burlingame Zoning Ordinance C.S. 25.70 for parking requirements for particular uses.

² Refer to the City of Burlingame's Urban Reforestation and Tree Protection Ordinance (C.S. 11.06) for tree removal permit and tree planting requirements.

Describe in general the existing surrounding land uses to the:

North Older apartments and condominiums

South Caltrain track and triangular vacant lot used for street dealership cars

East Automotive

West Automotive shop and vacant land

PROPOSED PROJECT

Project Description: Proposed 140-unit apartment community. Two levels of subterranean parking in a Type I concrete podium, and four-stories of Type V wood frame residential above. Class A luxury apartment community designed to the MMV + R3 zoning with a modern industrial feel as outlined in the Downtown Burlingame Specific Plan.

Residential Projects:

Number of Dwelling Units: 140

Size of Unit(s): 550-1,050 with an average SF of 768

Household size (number of persons per unit) expected: 1-2 depends on unit style Studio, 1-Bed, 2-Bed

Commercial/Industrial Projects:

Type and square footage of each use: NA

Estimated number of employees per shift: _____

Will the project involve the use, disposal or emission of potentially hazardous materials (including petroleum products)? _____ Yes _____ No

If Yes, please describe: _____

Institutional Projects (public facilities, hospitals, schools):

Major function of facility: NA

Estimated number of employees per shift: _____

Estimated Occupancy: _____

For all Projects:

Flood Hazard: Is this site within a special flood hazard area? _____ Yes ☒ No

Land Use: If the project involves a conditional use permit, variance or rezoning application, please explain why the applications are required³: Utilizing State Density Bonus for providing 10% on-site affordable units at 80% AMI, so a CUP for height is not required

³ Please fill out and submit the appropriate application form (variance special permit, etc.)

Building gross square footage: Existing: 15,700 Proposed: 130,293
Number of floors of construction: Existing: 2 Proposed: 4

Traffic/Circulation: Standard and compact off-street parking spaces provided:

Existing: Standard	<u>12</u>	Proposed: Standard	<u>9</u>
Compact	<u>0</u>	Compact	<u>0</u>
Total	<u>12</u>	Total	<u>9</u>

Grading: Amount of dirt/fill material being moved (check one):

☐ 0-500 cubic yards ☐ 5,000-20,000 cubic yards
☐ 500-5,000 cubic yards ☒ Over 20,000 cubic yards(indicate amount) 37,000 est.

Note: If fill is being placed over existing bay fill, provide engineering reports which show the effect of the new fill on the underlying bay mud.

Storm water runoff: Indicate area of site to be covered with impervious surfaces (parking lot paving, etc.): See site plan and C3 plan from civil

Is the area with impervious surfaces less than 200 feet away from a wetland, stream, lagoon or bay?
☐ Yes ☒ No

Noise: Describe noise sources and timing of activity generated by your project during construction: Grading machines typical to construction of residential communities, trucks, etc.

Noise sources generated during operation of facility: NA

Vibration: Will the proposal cause vibration that may affect adjacent properties? Describe any potential sources of vibration: NA

Exterior Lighting: Please describe any proposed exterior lighting of the facility⁴: TBD with landscape architect meeting code requirements

Water: Expected amount of water usage:

Domestic	<u>TBD</u>	gal/day	Peak use	<u>TBD</u>	gal/min
Commercial		gal/day	Peak use		gal/min
Expected fire flow demand					gal/min

As per the C.3 regulations set forth by the California Regional Water Quality Control Board, please respond to the following questions:

1. Would the proposed project result in an increase in pollutant discharges to receiving waters?
No

⁴ Refer to City of Burlingame Exterior Illumination Ordinance (No. 1477) regarding requirements which limit exterior illumination in both residential and commercial zones.

2. Would the proposed project result in significant alteration of receiving water quality during or following construction? NO

3. Would the proposed project result in increased impervious surfaces and associated increased runoff? yes

4. Would the proposed project create a significant adverse environmental impact to drainage patterns due to changes in runoff flow rates volumes? NO

5. Would the proposed project result in increased erosion in its watershed? NO

6. Is the project tributary to an already impaired water body, as listed on the Clean Water Action Section 303(d) list? If so will it result in an increase in any pollutant for which the water body is already impaired? NO

7. Would the proposed project have a potential significant environmental impact on surface water quality, to marine, fresh, or wetland waters? NO

8. Would the proposed project have a potentially significant adverse impact on ground water quality? NO

9. Will the proposed project cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses? NO

10. Will the project impact aquatic, wetland, or riparian habitat? NO

Sewer: Expected daily sewer discharge 167 residential restrooms - 4 public/common area restrooms
Source of wastewater discharge on site (i.e. restrooms, restaurants, laboratory, material processing, etc.)

General:

Are the following items applicable to the project or its effects? Provide attachment to explain nature of all items checked 'yes'.

Change in existing features of any bays, tidelands, beaches, or hills, or substantial alteration of ground contours.	Yes	No
Change in scenic views or vistas from existing residential areas or public lands or roads.	_____	<u>X</u>
Change in pattern, scale or character of general area of project.	_____	<u>X</u>
Significant amounts of solid waste or litter.	_____	<u>X</u>
Change in dust, ash, smoke fumes or odors in vicinity.	_____	<u>X</u>
Change in bay, lagoon, stream, channel or groundwater quality or quantity, or alteration of existing drainage patterns.	_____	<u>X</u>
Substantial change in existing noise or vibration levels in the vicinity (during construction and/or during operation).	_____	<u>X</u>
Site on filled land or on slope of 10 % or more.	_____	<u>X</u>
Use or disposal of potentially hazardous materials, such as toxic substances, flammable materials or explosives.	_____	<u>X</u>
Substantial change in demand for municipal services (police, fire water, sewage)	_____	<u>X</u>
Substantial increase in fossil fuel consumption (oil, natural gas, etc.).	_____	<u>X</u>
Relationship to a larger project or series of projects.	_____	<u>X</u>
	_____	<u>X</u>

CERTIFICATION

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Date 1-27-17

Signature 



CUP Multi-family MMU

**CITY OF BURLINGAME
CONDITIONAL USE PERMIT APPLICATION**

The Planning Commission is required by law to make findings as defined by the City's Ordinance (Code Section 25.52.020). Your answers to the following questions can assist the Planning Commission in making the decision as to whether the findings can be made for your request. Please type or write neatly in ink. Refer to the back of this form for assistance with these questions.

1. *Explain why the proposed use at the proposed location will not be detrimental or injurious to property or improvements in the vicinity or to public health, safety, general welfare or convenience.*

See attached for detail

2. *How will the proposed use be located and conducted in accordance with the Burlingame General Plan and Zoning Ordinance?*

3. *How will the proposed project be compatible with the aesthetics, mass, bulk and character of the existing and potential uses on adjoining properties in the general vicinity?*

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CDD-PLANNING DIV.

CUP.FRM



Fore Property Company

Los Gatos

20 S. Santa Cruz Avenue, #300
Los Gatos, California 95030
(408) 203-1892 Telephone

April 3, 2017

**920 Bayswater Proposed Development
Application Resubmittal March 31, 2017
Conditional Use Permit Application:**

The project site has a split zoning of Myrtle Road Mixed Use (MMU) and R-3, allowing the site within the MMU zoning to be developed for multifamily residential use with a conditional use permit, subject to the regulations and restrictions of the MMU zoning district and certain standards as stated in section 25.34.030(a). The portion of the site within the R-3 zoning district allows for multifamily residential as a permitted use per CS 25.28.020(b).

Fore Property Company ("FORE") requests a conditional use permit to redevelop the site for multifamily residential use of 140 apartments in one four-story building with subterranean parking, abundant amenities, and landscaping. The conditional use permit is being required for the portion of the proposed development that is within the MMU zoning district, item (a) Multifamily residential uses, including live/work, with an average maximum unit size of one thousand two hundred fifty (1,250) square feet. Average maximum unit size is defined as the maximum value allowed when averaging the square footage of gross floor areas of all residential units in a project.

The required findings for a conditional use permit for the project are outlined below.

- 1) ***Explain why the proposed use at the proposed location will not be detrimental or injurious to property or improvements in the vicinity or to public health, safety, general welfare or convenience.***

The proposed development is consistent with the existing uses that you will find on the subject property currently, along with all the existing multifamily immediately adjacent to the property. The site is made up of multiple parcels that included uses such as single family, multifamily, and automotive. The proposed development will remove the industrial/automotive use from the area while providing higher quality multifamily housing. The site is adjacent to automotive/industrial uses to the north, multifamily uses to the east, automotive/industrial to the south across Bayswater Avenue, and vacant land adjacent to the CalTrain tracks to the west. The proposed development will act as a buffer to the CalTrain railway tracks to the west while providing a transition from the train and automotive/industrial uses to multifamily uses which currently surround and abut the subject property.

Parking – Myrtle Road is currently used for on street parking by CalTrain riders, and limited changes are proposed to the existing on-street parking. The proposed development will provide a two-level subterranean garage that offers surplus

parking to the current requirements. Additional measures for dedicated car share stalls (zip car, etc.) are being researched as a possibility along with EV Charging stations within the garage. The use of CalTrain for residents to use for their work commute is a high possibility, but FORE understands that residents will still have cars living within the Peninsula. FORE is providing excess parking within the garage (off street) due to this concern. Traffic and circulation was designed to be less impactful to the residential neighborhood to the east, as the garage entrance was placed on Myrtle Road instead of Bayswater Avenue. The current design looks to minimize the impact of any potential increased parking requirements from the project by providing adequate and surplus parking fully contained within our proposed garage.

Views – The building will act as a buffer for both sound and views to the active CalTrain tracks immediately west of the site. The building will act as a sound buffer for all multifamily residents immediately to the east of the subject property along with the single-family residences further to the east. The building design will blend into the existing neighborhood providing a blend of modern and industrial characteristics as outlined in the Myrtle Road Mixed Use Area design portion of the Burlingame Downtown Specific Plan (5.2.2.4). The architect's design allowed for the bulk of the massing to be kept towards Myrtle Road (farther west) to help with the transition from the active CalTrain tracks to the west while transitioning to the existing multifamily to the east.

Public Health – The proposed development is designed to code and will treat all required items for sanitation, sewer, water supply, in addition to stormwater systems. The stormwater system is requiring the FORE to extend the stormwater line a significant distance on Bayswater and Myrtle to tie into existing connections at those points. FORE will be doing this at their own cost providing for full treatment of all public health requirements as required by code. This community will be professionally managed and kept to a high level of service and maintenance as customary with all the communities that FORE currently owns and manages. The proposed residential use is a better and safer fit for public health than the current automotive use that exists today.

Public Safety – The proposed development will utilize a fire sprinkler system throughout as required by code. The system will be monitored and provide for better structure safety than the current uses on the site. The community will be professionally managed and will include gated access and key fob entry providing for additional security measures over what currently exists on the property today. The proposed development will provide a high-quality structure that is built to code with high quality finishes that will blend with the fabric of the neighborhood.

General Welfare – The site is located within the Downtown Specific Plan which indicates the desire and intent for the proposed development. FORE's current design provides an outdoor plaza at the corner of Myrtle Road and Bayswater Avenue, that will be heavily landscaped creating a sense of arrival and pedestrian connectivity. FORE is also proposing on-site Below Market Rate (BMR) units, which itself is rare or practically impossible to find anywhere in the Peninsula. The

proposed redevelopment of the site will enhance the streetscape, the pedestrian connectivity to Downtown Burlingame and the CalTrain Station, while overall enhancing the area with an updated use for the property. The beautification of these parcels will enhance the overall neighborhood experience while still providing a great buffer from the CalTrain railroad tracks on the west side to the multifamily residential units on the east side.

2) ***How will the proposed use be located and conducted in accordance with the Burlingame General Plan and Zoning Ordinance?***

The subject location is within the Downtown Burlingame Specific Plan and further identified within the Myrtle Road Mixed Use (MMU) zoning district and R-3 (multifamily) zoning district. The proposed development is consistent with the existing uses currently found on the site while also being consistent with the intent of the General Plan and existing Zoning Ordinances for this area.

A zoning amendment is not required for this project, as the current design meets the requirements for the split zoning of MMU and R-3. A single variance for rooftop projections is being requested at the current time, due to the AC units and elevator/stairway roof access, which is required for the safety and operation of the building.

The proposed project complies with all lot coverage, setback, landscape, parking, and open space requirements, as well as design review standards applicable to the MMU and R-3 residential development.

3) ***How will the proposed project be compatible with the aesthetics, mass, bulk and character of the existing and potential uses on adjoining properties in the general vicinity?***

The project will compliment and blend in to the fabric of the neighborhood with respect to the aesthetics, mass, bulk and character of the structures.

The neighbor to the north is a vacant/parking lot and then automotive business. The 20' setback from the vacant/parking lot to the north and then the automotive business provides substantial relief from the neighboring property and their industrial/automotive uses to our residential building edge.

The neighboring properties to the east are all multifamily. The proposed building goes to ensure and provide for a sensitive transition from the harsher more intense commercial uses in the downtown area to multifamily on the subject block, to then single family residential farther east.

The building contains a mix of traditional building materials that enhance the niche district that MMU offers with the varied auto-related commercial characteristics found in the area. The project is adjacent to existing multifamily and automotive uses and the choice of design and materials help to blend in with this neighborhood characteristic. The exterior materials include a combination of

cement fiber wood siding, stucco/plaster, cement fiber panels, corrugated metal panels, and decorative metal railings.

Thoughtful design and attention to detail still requires multiple aspects of the project to come together to make a project unique and classic. The site planning, lush landscaping, pedestrian connectivity, architectural diversity and multiple transitions providing narrow parcel increments, come together with the corner plaza and help to make the proposed project fit within the existing neighborhood.