

City of Burlingame

One Year Extension

Item No. 7b
Consent Calendar

Address: 250 California Drive

Meeting Date: February 25, 2019

Request: Application for a One Year Extension of a previously approved application for Commercial Design Review and Conditional Use Permits for a new, four-story mixed use office building (retail and office).

Applicant and Property Owner: 20 Hobart LLC

APN: 029-213-010

Architect: MBH Architects

Lot Area: 11,515 SF (0.26 acres)

General Plan: Service and Special Sales - Downtown Specific Plan (California Drive Mixed Use District)

Zoning: CAR (California Drive Auto Row)

Environmental Review Status: The project is Categorically Exempt from review pursuant to the California Environmental Quality Act (CEQA), per Section 15332, In-Fill Development Projects, which consists of projects characterized as in-fill development.

Summary of Request: The applicant is applying for a one year extension of a previously approved application for Commercial Design Review and Conditional Use Permits for a new, four-story mixed use office building (retail and office). The application was originally approved by the Planning Commission on March 12, 2018 (see attached March 12, 2018 Planning Commission Minutes).

The Planning Commission approval allows the applicant until March 22, 2019 to obtain a building permit. However, as noted in the applicant's letter dated February 7, 2019, due to the complexity of the design phase of the underground parking structure/system, it has taken the applicant more time to explore parking designs in preparing the construction drawings. As a result, a building permit will not be issued before the one year deadline. A one year extension may be considered by the Planning Commission. If the extension is not granted, the property owner must reapply with a new application. There have been no changes to the approved plans since the March 12, 2019 Planning Commission approval.

Project Description of Previously Approved Project: The project site is located at the corner of California Drive, South Lane and West Lane. The existing site consists of a paved parking lot and is currently used as a vehicle display area by a nearby automobile dealership (Ocean Honda). The proposed development is on a project site of 11,515 SF (0.26 acres) and is surrounded by urban uses, including one and two-story commercial buildings across the railroad tracks and East Lane to the north, multi-story commercial buildings across California Drive to the south, a one-story commercial building to the east, and the Burlingame Train Station across South Lane to the west.

The project includes construction of a new four-story mixed use office building (retail and office) with below-grade parking in an automated parking system. The mixed use office building totals 45,000 SF which consists of retail and office uses, lobby areas, storage and mechanical rooms in the basement, vehicle entrance areas into the automated parking system, enclosed stairways and elevators, and covered roof decks on the fourth floor. The building contains 5,387 SF of retail space on the ground floor and 28,458 SF of office space on the ground floor and in the three floors above. The project also includes 1,037 SF of roof deck areas at the front and rear of the building on the fourth floor.

The CAR District Regulations state that office uses on the ground floor are only allowed with approval of a Conditional Use Permit (Code Sections 25.38.030 (a) and (b)). The ground floor office space (720 SF) will be occupied by the Burlingame Historical Society and will also have storage space in the basement. The office space on the second through fourth floors have been designed as a shell to be able to accommodate either a single tenant or multiple tenants. Tenants for the office spaces have not yet been determined.

The exterior facades consist of brick veneer and an aluminum and glass window wall system, anchored by a slate stone base. The California Drive and South Lane facades contain brushed stainless steel entry doors, while the rear of the building along West Lane contain roll-up doors with perforated metal panels or aluminum metal panels. There will be metal canopies over entries to the building on the ground floor at the front and rear of the building. Two roof deck areas on the fourth floor will be covered by metal brise soleil awnings (an architectural feature of a building that reduces heat gain within that building by deflecting sunlight). There will be a metal cap reveal along the top edge of the building.

A total of nine new, 24-inch box street trees (four along California Drive and five along South Lane) will be planted as part of the project. The Planting Plan indicates the trees will be Trident Maple (*Acer Buergerianum*).

The project consists of 5,387 SF of retail on the ground floor and 28,458 SF of office on the first through fourth floors. Off-street parking is required for the proposed retail and office uses in the building. Based on the 1:400 GSF parking ratio for retail uses and 1:300 GSF parking ratio for office uses, a total of 109 off-street parking spaces are required. A total of 98 parking spaces are provided on-site in an automated puzzle parking system. This represents balance of 11 parking spaces.

Land Use section 3.6.1 of the Downtown Specific Plan allows that in instances where uses proposed are not exempt from providing parking, in-lieu fees may be paid instead of providing parking on-site where there is expansion, intensification, or construction of new buildings. In this case, the mixed use office building is not exempt from providing parking since it is not located within the parking sector. The applicant notes that the parking in-lieu fees will be paid for the balance of spaces required for the proposed project. A Parking Variance is not required, as the payment of in-lieu fees is provided as an option through the Downtown Specific Plan for projects within the parking sector. Currently, the fee is \$52,467.57 per parking space. The parking in-lieu fee for the proposed project is \$577,143.27 (11 spaces x \$52,467.57).

The project includes installation of an automated puzzle parking system. The system consists of three levels and extends 26'-1" below grade (31'-0" to bottom of car lift pit). Drivers will enter in one of two parking bays, located at the rear of the building off West Lane. The driver then exits the vehicle and walks to the adjacent lobby (Lobby 2) to retrieve a ticket from the parking kiosk. The system will not activate until the driver is outside of the vehicle and retrieves a parking ticket. Some customers may have an app on their smart phone, which can communicate to the parking system in lieu of a ticket or fob key. The system employs a turntable at each entry bay so that it rotates the vehicle so that it may exit in a forward direction. The applicant notes that queuing of parking and retrieving vehicles takes approximately 90 seconds.

The following applications were approved for this project:

- Commercial Design Review for a new, four-story mixed use office building (retail and office) (Code Sections 25.38.045 and 25.57.010(c) (1));
- Conditional Use Permit for office use in a portion of the ground floor (Code Section 25.38.030 (a)); and
- Conditional Use Permit for building height exceeding 35'-0" in height (55'-0" proposed where 55'-0" is the maximum allowed building height) (Code Section 25.38.030 (h)).

The development table for the previously approved project is provided for reference on the following page.

This space intentionally left blank.

250 California Drive

	PROPOSED	ALLOWED/REQUIRED
Use:	Retail on ground floor (retail business not determined) (5,387 SF) Office on ground floor and on upper three floors ¹ (28,458 SF)	Permitted Uses: Retail uses related to automobile sales and service and office uses above the ground floor Conditional Uses: Retail uses not related to automobile sales and service and office uses on the ground floor
SETBACKS		
Front Build-To Line (California Dr):	77% of front wall of the ground floor is located at front property line	No minimum required; at least 60% of front wall of the ground floor must be located at front property line
Left Side (South Ln): Right Side (Interior):	0'-0" 1'-6"	No minimum required
Rear (West Lane):	0'-0"	No minimum required
BUILDING ENVELOPE:		
Ground Floor Ceiling Height:	15'-0"	15'-0"
Building Height:	55'-0" ³	55'-0" (CUP required if building exceeds 35'-0")
OFF-STREET PARKING		
Off-Street Parking:	98 spaces provided in automated puzzle parking system ²	Office - 1 space per 300 GSF Retail - 1 space per 400 GSF Office: 28,458 SF/300 GSF ratio <u>Retail: 5,387 SF/400 GSF ratio</u> Total = 109 spaces
Driveway Width:	20'-0" driveway width (shared driveway with 226 Lorton Avenue)	Parking areas with not more than 30 vehicle spaces shall have a minimum driveway width of 12'-0"

¹ Conditional Use Permit approved for office use in a portion of the ground floor.

² Conditional Use Permit approved for building height exceeding 35'-0" in height (55'-0" proposed where 55'-0" is the maximum allowed building height).

³ Parking in-lieu fee, in the amount of \$577,143.27 (11 spaces x \$52,467.57), will be submitted in-lieu of providing 11 off-street parking spaces.

Staff Comments: None.

Suggested Findings for a One Year Extension of a Previously Approved Commercial Design Review and Conditional Use Permits: Based on the findings stated in the attached minutes of the Planning Commission's March 12, 2018 Regular Action Meeting and that there are no changes proposed to the previously approved applications for a the new mixed use office building, the project is found to be compatible with the criteria for the Design Review and Rear Setback Variances.

Planning Commission Action to Extend Permit to March 23, 2020:

The Planning Commission should conduct a public hearing on the application, and consider public testimony and the analysis contained within the staff report. Action should include specific findings supporting the Planning Commission's decision, and should be affirmed by resolution of the Planning Commission. The reasons for any action should be stated clearly for the record. 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 February 27, 2018, sheets A0.0.0 through A9.2.1, ALTA, C-4, L1.01 and L2.01;
2. that any changes to the size or envelope of building, which would include changing or adding exterior walls or parapet walls, shall require an amendment to this permit;
3. that any 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 maximum elevation at the top of the roof screen shall not exceed elevation 89.24', and that the maximum elevation at the top of the roof ridge shall not exceed elevation 85.22' for a maximum height of 55'-0", and that the top of each floor and final roof ridge and top of roof screen shall be surveyed and approved by the City Engineer as the framing proceeds and prior to final framing and roofing inspections. The main lobby finished floor shall be elevation 31.0'; the second floor finished floor shall be elevation 46.92'; the third floor finished floor shall be elevation 59.22', and the fourth floor finished floor shall be elevation 71.52'. Should any framing exceed the stated elevation at any point it shall be removed or adjusted so that the final height of the structure with roof shall not exceed the maximum height shown on the approved plans;
5. that the on-site parking spaces shall be used only for the tenants and visitors of the office and retail facilities on this site and shall not be leased or rented for storage of automobiles or goods either by individuals or businesses not on this site or by other businesses for off-site parking;
6. that prior to issuance of a building permit for the project, the applicant shall pay the parking in-lieu fee in the amount of \$577,143.27, made payable to the City of Burlingame and submitted to the Planning Division;
7. that prior to issuance of a building permit for the project, the applicant shall pay the commercial linkage fee in the amount of \$683,675.00, made payable to the City of Burlingame and submitted to the Planning Division;
8. that prior to issuance of a building permit for the project, the applicant shall pay the first half of the public facilities impact fee in the amount of \$195,233.05, made payable to the City of Burlingame and submitted to the Planning Division;
9. that prior to scheduling the final framing inspection, the applicant shall pay the second half of the public facilities impact fee in the amount of \$195,233.05, made payable to the City of Burlingame and submitted to the Planning Division;

10. 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;
11. that storage of construction materials and equipment on the street or in the public right-of-way without an encroachment permit shall be prohibited;
12. that the conditions of the Building Division's September 20, 2017 and July 13, 2017 memos, the Engineering Division's January 11, 2018, November 17, 2017, September 25, 2017 and July 28, 2017 memos, the Fire Division's October 4, 2017 and August 14, 2017 memos, the Parks Division's September 27, 2017 and July 25, 2017 memos, and the Stormwater Division's September 27, 2017 and July 20, 2017 memos shall be met;
13. 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;
14. that demolition or removal of the existing structures and any grading or earth moving on the site shall not occur until a building 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;
15. 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;
16. that the applicant shall comply with Ordinance 1503, the City of Burlingame Storm Water Management and Discharge Control Ordinance;
17. that the project shall meet all the requirements of the California Building and Uniform Fire Codes, 2016 Edition, as amended by the City of Burlingame;

THE FOLLOWING CONDITIONS SHALL BE MET DURING THE BUILDING INSPECTION PROCESS PRIOR TO THE INSPECTIONS NOTED IN EACH CONDITION:

18. that prior to scheduling the foundation inspection, a licensed surveyor shall locate the property corners, set the building footprint and certify the first floor elevation of the new structure(s) based on the elevation at the top of the form boards per the approved plans; this survey shall be accepted by the City Engineer;
19. that prior to scheduling the framing inspection the project architect or residential designer, or another architect or residential design professional, shall provide an architectural certification that the architectural details shown in the approved design which should be evident at framing, such as window locations and bays, are built as shown on the approved plans; architectural certification documenting framing compliance with approved design shall be submitted to the Building Division before the final framing inspection shall be scheduled;
20. that prior to scheduling the roof deck inspection, a licensed surveyor shall shoot the height of the roof ridge and provide certification of that height to the Building Division; and
21. 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.

THE FOLLOWING CONDITIONS OF APPROVAL ARE FROM DOWNTOWN SPECIFIC PLAN:

22. the project sponsor shall prepare a Geotechnical Study identifying the depth to the seasonal high water table at the project site. No permanent groundwater dewatering would be allowed. Instead, all residential uses must be elevated to above the seasonal high water table and all areas for non-residential uses shall be flood-proofed and anchored, in accordance with floodplain development requirements, to the design depth as recommended by geotechnical engineer. Final design shall be prepared by a qualified professional engineer and approved by the Burlingame Department of Public Works prior to receiving a building permit;
23. the project sponsor shall implement all appropriate control measures from the most currently adopted air quality plan at the time of project construction;
24. the project sponsor shall ensure implementation of the following mitigation measures during project construction, in accordance with BAAQMD standard mitigation requirements:
 - a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day or as necessary.
 - b. All haul trucks transporting soil, sand, or other loose material offsite shall be covered or otherwise loaded consistent with California Vehicle Code Section 23114.
 - c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry sweeping is prohibited.
 - d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - e. All roadways, driveways, sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - f. Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of the California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - h. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
25. the project sponsor shall implement the following Greenhouse Gas reduction measures during construction activities:
 - a. Alternative-Fueled (e.g., biodiesel, electric) construction vehicles/equipment shall make up at least 15 percent of the fleet.
 - b. Use at least 10 percent local building materials.
 - c. Recycle at least 50 percent of construction waste or demolition materials.

26. the project sponsor shall provide adequate secure bicycle parking in the plan area at a minimum ratio of 1 bicycle spot for every 20 vehicle spots;
27. that employers shall post and update information on alternate modes of transportation for the area (i.e. bus/shuttle schedules and stop locations, maps);
28. the project sponsor shall incorporate commercial energy efficiency measures such that energy efficiency is increased to 15% beyond 2008 title 24 standards for electricity and natural gas;
29. the project sponsor shall incorporate recycling measures and incentives such that a solid waste diversion rate of 75% is achieved upon occupation of each phase of plan development;
30. the project sponsor shall incorporate commercial water efficiency measures such that water consumption is decreased by a minimum of 10 percent over current standard water demand factors;
31. that construction shall avoid the March 15 through August 31 avian nesting period to the extent feasible. If it is not feasible to avoid the nesting period, a survey for nesting birds shall be conducted by a qualified wildlife biologist no earlier than 7 days prior to construction. The area surveyed shall include all clearing/construction areas, as well as areas within 250 ft. of the boundaries of these areas, or as otherwise determined by the biologist. In the event that an active nest is discovered, clearing/construction shall be postponed within 250 ft. of the nest, until the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts;
32. that for projects within the Plan Area that require excavation, a Phase I Environmental Site Assessment (and Phase II sampling, where appropriate) would be required. If the Phase I Environmental Site Assessment determines that remediation is required, the project sponsor would be required to implement all remediation and abatement work in accordance with the requirements of the Department of Toxic Substances Control (DTSC), Regional Water Quality Control Board (RWQCB), or other jurisdictional agency;
33. that the following practices shall be incorporated into the construction documents to be implemented by the project contractor.
 - a. Maximize the physical separation between noise generators and noise receptors. Such separation includes, but is not limited to, the following measures:
 - Use heavy-duty mufflers for stationary equipment and barriers around particularly noisy areas of the site or around the entire site;
 - Use shields, impervious fences, or other physical sound barriers to inhibit transmission of noise to sensitive receptors;
 - Locate stationary equipment to minimize noise impacts on the community; and
 - Minimize backing movements of equipment.
 - b. Use quiet construction equipment whenever possible.
 - c. Impact equipment (e.g., jack hammers and pavement breakers) shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically-powered tools. Compressed air exhaust silencers shall be used on other equipment. Other quieter procedures, such as drilling rather than using impact equipment, shall be used whenever feasible.
34. the project sponsor shall incorporate the following practice into the construction documents to be implemented by construction contractors: The project sponsor shall require that loaded trucks and other vibration-generating equipment avoid areas of the project site that are located near existing residential uses to the maximum extent compatible with project construction goals;

35. that if the project increases sewer flows to the sanitary sewer system, the project sponsor shall coordinate with the City Engineer to determine if improvements to public sanitary sewer infrastructure are needed. If improvements are needed, the following shall apply:
- that prior to issuance of a building permit, the project sponsor shall develop a plan to facilitate sanitary sewer improvements. The plan shall include a schedule for implementing sanitary sewer upgrades that would occur within the development site and/or contribution of a fair share fee toward those improvements, as determined by the City Engineer. The plan shall be reviewed by the City Engineer.
36. that prior to issuance of a building permit, the development plans shall be reviewed by the Fire Marshal to determine if fire flow requirements would be met given the requirements of the proposed project, and the size of the existing water main(s). If the Fire Marshal determines improvements are needed for fire protection services, then the following shall apply:
- that prior to issuance of a building permit the project sponsor shall be required to provide a plan to supply adequate water supply for fire suppression to the project site, consistent with the Fire Marshal's requirements. The plan shall be reviewed by the Fire Marshal. The project sponsor shall be responsible for implementation of the plan including installation of new water mains, and/or incorporation of fire water storage tanks and booster pumps into the building design, or other measures as determined by the Fire Marshal.
37. that if evidence of an archeological site or other suspected cultural resource as defined by CEQA Guidelines Section 15064.5, including darkened soil representing past human activity ("midden"), that could conceal material remains (e.g., worked stone, worked bone, fired clay vessels, faunal bone, hearths, storage pits, or burials) is discovered during construction-related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted and the City of Burlingame shall be notified. The project sponsor shall hire a qualified archaeologist to conduct a field investigation. The City of Burlingame shall consult with the archeologist to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than significant level through data recovery or other methods determined adequate by a qualified archaeologist and that are consistent with the Secretary of the Interior's Standards for Archeological Documentation. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-J) form and filed with the NWIC;
38. that should a unique paleontological resource or site or unique geological feature be identified at the project construction site during any phase of construction, the project manager shall cease all construction activities at the site of the discovery and immediately notify the City of Burlingame. The project sponsor shall retain a qualified paleontologist to provide an evaluation of the find and to prescribe mitigation measures to reduce impacts to a less-than-significant level. Work may proceed on other parts of the project site while mitigation for paleontological resources or geologic features is carried out. The project sponsor shall be responsible for implementing any additional mitigation measures prescribed by the paleontologist and approved by the City; and
39. that if human remains are discovered at any project construction site during any phase of construction, all ground-disturbing activity within 100 feet of the resources shall be halted and the City of Burlingame and the County coroner shall be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project sponsor shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. The City of Burlingame shall be responsible for approval of recommended mitigation as it deems appropriate, taking

account of the provisions of State law, as set forth in CEQA Guidelines section 15064.5(e) and Public Resources Code section 5097.98. The project sponsor shall implement approved mitigation, to be verified by the City of Burlingame, before the resumption of ground-disturbing activities within 100 feet of where the remains were discovered.

Ruben Hurin
Planning Manager

- c. 20 Hobart LLC, applicant and property owner
MBH Architects, project architect

Attachments:

One Year Extension Request Letter Submitted by the Applicant, date stamped February 7, 2019
March 12, 2018 Planning Commission Minutes
Application to the Planning Commission
Conditional Use Permit Applications from Original Approval
Planning Commission Resolution (Proposed)
Notice of Public Hearing – Mailed February 15, 2019
Aerial Photo