



**PROJECT LOCATION**  
1868-1870 Ogden Drive

## City of Burlingame

*Environmental Review, Design Review, Conditional Use Permit  
and Condominium Permit for a 120-Unit Residential Condominium Development*

**Address:** 1868-1870 Ogden Drive

**Meeting Date:** November 12, 2019

**Request:** Application for Environmental Review, Design Review, Conditional Use Permit for tandem parking, and Condominium Permit for a new 6-story, 120-unit residential condominium building.

**Applicant and Architect:** Levy Design Partners

**APN:** 025-121-190

**Property Owner:** Green Banker LLC

**Lot Area:** 0.89 acres (39,138 SF)

**General Plan:** North Burlingame Mixed Use

**Zoning:** NBMU (North Burlingame Mixed-Use)

**Adjacent Development:** Apartments, Office buildings, Office parking lot

**Current Use:** Office

**Proposed Use:** Residential Condominiums

**Allowable Use:** Multi-Family Residential

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

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

The City will be entering into a contract with an environmental consultant to prepare and document the analysis, findings, and determination that the proposed project will have been reviewed and in compliance with the CEQA, pursuant to Section 15332 of the *2016 CEQA Statute and Guidelines*. The scope of work will include analysis of potential transportation/traffic, noise, and air quality impacts. If it is determined, through the analysis process, that additional CEQA review is required (such as an Initial Study), the scope of work will be revised accordingly.

**General Plan and North Burlingame Mixed Use (NBMU) Zone Interim Standards:** In January 2019, the City adopted a new General Plan and certified the Environmental Impact Report (EIR). The new General Plan includes higher densities and mixed-use zoning designations in the north end of Burlingame.

State law requires zoning ordinances to be consistent with the respective General Plan. Given the amount of time required to prepare the Zoning Ordinance Update (for implementation of the new General Plan) staff worked with the consultant team to develop interim regulations applicable to the most significant "change areas" identified in the Draft General Plan which included the North Burlingame Mixed-Use Zone ("North Burlingame Mixed Use" land use designation. This zoning implements the General Plan mixed-use zoning with increased densities given the proximity to Burlingame Plaza and the Millbrae multimodal transit station.

The purpose of the NBMU Zone is to implement the General Plan North Burlingame Mixed Use designation by providing a distinct, defining area at the City's north gateway on El Camino Real, with housing and complementary commercial and office uses at urban-level intensities, and that takes advantage of the adjacent multimodal transit center. This transit-oriented development district accommodates housing at progressively higher densities based on the level of community benefits provided, with the goal of ensuring that new development adds value for all in the City. The NBMU Development Standards are attached for reference.

**Project Summary:** The project site is an interior property located on the east side of Ogden Drive between Garden Drive and Murchison Drive. The site totals 39,138 SF and is currently occupied by a one-story office building with one level of parking below. Office buildings and supporting parking lots surround the subject property on the north (left) and east (rear) sides. Adjacent to the subject property to the south is a three-story apartment building with below grade parking. Across the street to the west are a two-story apartment building and a three-and-a-half story (partial above grade garage) apartment building. Burlingame Plaza is a quarter of a mile (approx. 1,200 feet) east of the project site. The Millbrae Caltrain station is located 0.45 miles east, across El Camino and the BART station (Millbrae multimodal station) is located just beyond the Caltrain station, over a half a mile (0.60 miles) from the project site.

The applicant is proposing to demolish the existing building and construct a new 6-story, 120-unit residential condominium building. The project would include 35 studio units (29.2%), 30 one-bedroom units (25%) and 55 two-bedroom units (45.8%) totaling 88,859 net square feet (169,232 gross square feet including the parking levels). Three units (5%) would be below market rate (BMR) for low income households that do not exceed 80% of the average median income (AMI). The studio units would range in size from 377 to 442 square feet, the one-bedroom units would range from 647 to 744 square feet, and the two-bedroom units would range from 918 square feet to 1,133 square feet.

The overall height would be approximately 69 feet to the top of the parapet and 76 feet to the top of the elevator penthouse. The project would provide a total of 150 on-site parking spaces located in two levels of parking, one at grade and one below grade; 94 of the 150 spaces provided in tandem configuration. Code Section 25.40.50 (D) allows the use of parking stackers or mechanical systems with approval of a Conditional Use Permit; tandem parking is proposed and is considered to be a similar alternative to the mechanical parking with approval of a Conditional Use Permit.

The NBMU interim zoning includes "tiered" development standards requiring community benefits to be included in projects in order to achieve the highest residential densities and building heights. The applicant has elected to develop consistent with "Tier 3" standards, which is the highest tier. Projects using Tier 3 standards shall provide at least three community benefits (see Community Benefits section in staff report for additional information). Planning staff has determined that the proposed project complies with the Tier 3 development standards.

The following applications are requested for this project:

- Environmental Review in accordance with CEQA;
- Design Review for construction of a new 6-story, 120-unit residential condominium development (C.S. 25.40.020);
- Conditional Use Permit for tandem parking (C.S. 25.40.050)(D);
- Approval of Community Benefits Bonuses for a Tier 3 project (C.S. 25.40.030(B)(3); and
- Condominium Permit for 120-unit residential condominium development (C.S. 26.30.020).

The following table provides a summary of the project's compliance with the NBMU Zone Interim Standards. For more information and details on development requirements, please refer to the attached NBMU Zone Interim Standards.

**1868-1870 Ogden Drive**

**Lot Area:** 39,138 SF (0.89 acres)

**Plans date stamped:** October 15, 2019

	<b>Proposed</b>	<b>Tier 3 Projects Maximum Allowed/ Minimum Required</b>
<b>Density – Residential Units:</b>	133 du/ac <sup>1</sup> 120 units	140 du/ac 126 units
<b>Building Height:</b>	6 stories 68'-5" to top of parapet 75'-11" to top of penthouse	7 stories 75'-0"
<b>Front Setback:</b>	15'-0"	0' – 10'  (with at least 40 % of structure located at streetscape frontage line per Table 25.40-3)
<b>Side Setback:</b>	10'-0"	10'-0"
<b>Rear Setback:</b>	15'-0"	15'-0"
<b>Lot Coverage:</b>	71.3% <sup>2</sup> 27,924 SF (12.5% podium open space)	80% 31,310 SF
<b>Open Space and Landscaping:</b>	<p>Common:</p> <p>2,626 SF – ground rear yard 5,088 SF – ground front yard 3,510 SF – podium 911 SF – 3<sup>rd</sup> flr</p> <hr/> <p>12,135 SF – total common open space (Softscape 5,451 SF) (Hardscape 5,777 SF)</p> <p>Private:</p> <p>44 units with 50+ SF of private open space (5'-6" x 11'-6" = 63.25 SF)</p> <p>2,783 SF total private open space (approx. 63 SF / unit)</p> <p>TOTAL = 14,918 SF COMBINED COMMON/PRIVATE OPEN SPACE</p>	<p>12,000 SF total required (100 SF per unit)</p>

	<b>Proposed</b>	<b>Tier 3 Projects Maximum Allowed/ Minimum Required</b>
<b>Landscape Coverage:</b>	13.9 % of site 5,451 SF	10% of site 3,913 SF
<b>Public Plaza:</b>	3,400 SF	2,000 SF
<b>Number of Parking Spaces:</b>	150 spaces (94 tandem) <sup>3</sup>  <u>Basement Level</u> 34 Uninstall <u>46 Tandem *</u> 80 spaces  <u>First Level</u> 22 Uninstall (includes 5 EV & Clean Air/8 ADA) <u>48 Tandem*</u> 70 spaces	35- Studio units x 1.0 = 35 spaces 30- 1 bdr units x 1.0 = 30 spaces 55- 2 bdr units x 1.5 = <u>82.5 spaces</u> Total - 148 spaces  TOTAL 148 SPACES REQUIRED
<b>Parking Stall Dimensions:</b>	8'-6" x 17'-0"	8'-6" x 17'-0"
<b>Aisle Dimensions:</b>	24'-0"	24'-0" for 90-degree parking
<b>Driveway Width:</b>	19'-0" off of Ogden Drive  20' entrance ramp	Parking areas with more than 30 vehicle spaces shall have two 12'-0" wide driveways or one 18'-0" wide driveway
<b>Bicycle Parking:</b>	81 resident (65 in basement level/16 on ground flr)  12 guest (public plaza)	60 resident (0.5 spaces/unit)  6 guest (0.05 spaces/unit)
<b>Electric Vehicle Charging Stalls:</b>	8 spaces (5% of all spaces)	8 spaces (5% of all spaces)

<sup>1</sup> Tier 3 project requested (C.S. 25.40.030(B)(3))

<sup>2</sup> Total lot coverage, including common open space on podium level, is 27,924 SF (71.3%). C.S. 25.40.030 allows lot coverage to be increased if additional useable common open space equivalent to the additional lot coverage (in square feet) is provided on a podium-level landscaped courtyard or plaza. The common useable courtyard proposed on the podium level (2<sup>nd</sup> flr) totals 3,510 SF in area, which would reduce the lot coverage to 62.3%.

<sup>3</sup> Code Section 25.40.050(D) requires approval of a Conditional Use Permit for utilization of stackers or mechanical systems in the NBMU zone; tandem parking is consider an equivalent.

**Staff Comments:** See attached.

**Design Review:** The purpose of this design review study meeting is to provide initial comments on design elements as they relate to the proposed project. The criteria for design review in mixed-use districts is detailed in Code Section 25.57.030 (g) and requires the proposed project to be reviewed by the Planning Commission for the following considerations:

- 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.

**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, density, and/or height 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, height, and/or density. The NBMU Interim Zoning Standards includes "tiered" development standards requiring community benefits to be included in projects in order to achieve the highest residential densities and building heights.

The developer has elected to develop this property consistent with Tier 3 development standards. The Planning Commission approval is required for Tier 3 projects if it is determined that the project includes at least three community benefits; at least one of the community benefits must be an affordable and workforce housing objective. Please refer to the attached North Burlingame Mixed-Use Zone for a complete list of community benefits. The developer is proposing to provide the following three community benefits (a minimum of three are required):

- Affordable Housing – Section 25.40.030(B)(4)(a)(i) - The project would include 5% (6 units) below-market rate units for affordable low income households (80% of San Mateo County's Area Median Income (AMI)) for 55 years. The 2019 San Mateo County Income Limits for low income is a maximum of \$90,450 for a single-person household, a maximum of \$103,350 for a two-person household, a maximum of \$116,250 for a three-person household, and maximum of \$129,150 for a four-person household (see attached San Mateo County 2019 income limits).
- Public Plaza Beyond Minimum – Section 25.40.030(B)(4)(c) - The project includes an approximately 3,400 square foot publicly accessible plaza, well in excess of the 2,000 square foot minimum. The public plaza would include trees, landscaping, seat walls and planters, trash and recycling receptacles, lighting and bike racks. The space would be owned, operated and maintained by the developer or property manager.

- **Cultural Arts Space - Section 25.40.030(B)(4)(e)** – The project includes a cultural arts space on the ground floor. This space would be located on the right side of the building with a direct entrance off of the public plaza. The space would be 1,600 square feet and would have a 12-foot tall ceiling height. It is intended that this space would be available for flexible programming for city programs, afternoon enrichment class, or for neighborhood meetings. There would be a separate and independent community room approximately 900 square feet, located on the second floor for private use by residents of the condominium development.

**Landscaping:** Proposed landscaping throughout the site is shown on the Landscape Plans (sheets L1.1 through L5.3). The NBMU interim standards require that for Tier 3 projects that 10% of the site be landscaped. In addition, the NBMU interim standards require that at least 60% of the required front and street side setbacks be landscaped to provide a transition to the sidewalk. The project proposes 13.9% site landscaping with 60% landscaping in the front setback and therefore complies with the landscaping requirements. Landscaping is provided throughout the site, including in the public plaza, along the sides within the 10-foot setback, at the rear and on the podium open space.

The proposed project includes six (6) new Crape Myrtle trees along Ogden Drive. In addition, the planters in the public plaza along Ogden Drive and on the podium open space would also include trees and shrubs as detailed in the planting list on sheet L5.2 and L5.3.

**Off-Street Parking:** Parking requirements are based on the number of bedrooms proposed per unit for the residential portion of the project. The NBMU interim zoning standards, Code Section 25.40.050, provides reduced residential parking standards given the proximity of this zone to the Millbrae multimodal transit station. In the NBMU District, the minimum parking requirement is 1 space for each studio or one-bedroom unit and 1.5 spaces for each two-bedroom unit; no guest parking is required. The proposed project includes 35 studio units, 30 one-bedroom units and 55 two-bedroom units and therefore requires a total of 148 spaces for the proposed condominiums.

The project would meet the on-site parking requirement with a total of 150 on-site parking spaces provided, 94 of which are provided in tandem configuration. Zoning Code section 25.08.647 defines tandem parking as the parking of one vehicle behind another; except for parking for an accessory dwelling unit where tandem parking is defined as two (2) or more vehicles that are parked on a driveway or in any other location on a lot, lined up behind one another. The application for entitlements includes a request for a Conditional Use Permit for approval of the tandem parking configuration that is proposed for this project to meet the on-site parking requirement. Code Section 25.40.50 (D) allows the use of parking stackers or mechanical systems with approval of a Conditional Use Permit; tandem parking is proposed and is considered to be a similar alternative to mechanical parking with approval of a Conditional Use Permit.

The site would have be accessed by way of a 20-foot wide driveway on the northern edge of the property, along Ogden Drive. The parking would be located in two levels; one level would be at grade level within the building and one level would below grade.

The parking spaces would all be “unistall” size at 8’-6” wide by 18’-0” deep as permitted by C.S. 25.39.040(B). The at-grade parking located at street level, behind the community room space, trash room, lobby and package room would provide 70 parking spaces. These would include 22 independently accessible spaces, including a mix of electric vehicle (EV), disabled-accessible, van accessible, and clean air spaces. The remaining 48 spaces on this level would be provided in tandem. The interim standards require that 5% (8 spaces) of all parking spaces be prepared for EV charging equipment; the proposed project complies with this requirement with 8 EV spaces (5%) included on-site. The lower level of below grade parking (basement) would include 80 spaces with 34 independently accessible and 46 tandem spaces.

The NBMU interim standards require 0.5 bicycle parking spaces per unit for residents and 0.05 spaces per unit of bicycle parking for guest bicycle, which equates to 60 bicycle parking spaces for residents and 6 bicycle

parking spaces for guests. There would be 81 bicycle parking spaces provided for residents, with 65 bicycle parking spaces in the basement level and 15 on the ground floor level, within the building. The project also includes 12 guest bicycle parking spaces provided in front of the building in the public plaza.

### **Development / Impact Fees:**

#### *North Burlingame/ Rollins Road Development Fee*

Development fees for projects in the North Burlingame/Rollins Road Specific Plan are subject to a fee of \$0.63 per square foot for multifamily. New development that, through demolition or conversion, will eliminate existing development is entitled to a fee credit offset for the existing development. The fees are 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. The North Burlingame/Rollins Road Development fee is estimated to be \$55,807.29 (prior to credit offset).

#### *Residential Linkage Fees*

The City Council adopted Residential Linkage Fees on April 1, 2019. The proposed project is subject to the fees based on the formula set forth in Code Section 25.82 which sets the fees based on the dwelling units per acre, with different rates for prevailing wage and non-prevailing wage for labor used for the construction of the project. In this case the rate would be \$35 per square foot or \$30 per square foot (if prevailing was is used) for multifamily condominium projects with 7 or more unit (Residential Linkage fee estimated to be \$3,109,855).

However, because the project would include 5% of the units as low income BMR units, as per C.S. 25.82.070(a), the fee is not required as the units would be provided on-site. The code states that if a project mitigates affordable housing impacts through the construction of afford units on site with a guarantee of affordability for a period of 55 years, then the impacts of residential development on the need for affordable housing shall be deemed mitigated. The applicant is proposing 5% of the residential units as low income BMR units, therefore the Planning Commission may approve the provision of affordable units on site, consistent with the requirements set forth in subsection (b), as part of the review of the project, which would eliminate the requirement to pay the Residential Linkage Fee as three (5%) low income BMR units would be provided on-site.

#### *Public Facilities Impact Fees*

The purpose of public facilities impact fees is to provide funding for necessary maintenance and improvements created by development projects. Public facilities impact fees are based on the uses, the number of dwelling units, and the amount of square footage to be located on the property after completion of the development project. New development that, through demolition or conversion, will eliminate existing development is entitled to a fee credit offset if the existing development is a lawful use under this title, including a nonconforming use.

Based on the proposed 120-unit condominium development, the required public facilities impact fees for this development project are estimated to be \$531,840.00. This however does not include a credit for the existing office (commercial) use on-site as the baseline data was not provided to determine the credit. Once the information is provided, staff will recalculate the required public facilities impact fees. One-half of the public facilities impact fees payment will be required prior to issuance of a building permit issuance; the second half of the payment will be required before the final framing inspection.

**Planning Commission Action:** The Planning Commission should comment on the design of the project as required by Chapter 25.57 of the Zoning Ordinance, Design Review. The criteria for design review in mixed-use districts is detailed in Code Section 25.57.030 (g) and requires the proposed project to be reviewed by the Planning Commission for the following considerations:

- 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.

Catherine Keylon  
Senior Planner

- c. Levy Design Partners, applicant and architect  
Green Banker LLC, property owner

Attachments:

NBMU Zone Map

Application to the Planning Commission

Project Summary, dated July 25, 2019

NBMU Project Summary Checklist

Conditional Use Permit Application for Tandem Parking Configuration – C.S. 25.40.050(D)

San Mateo County Income Limits 2019

North Burlingame Mixed-Use (NBMU) Zone – Interim Standards

Notice of Public Hearing – Mailed November 1, 2019

Area Map