

City of Burlingame

Public Comment on the Draft Environmental Impact Report for an Application for Design Review, Conditional Use Permit and Condominium Permit for a 120-Unit Residential Condominium Development

Address: 1868-1870 Ogden Drive

Meeting Date: December 14, 2020

Request: Public Comment on the Draft Environmental Impact Report (DEIR) for development of a new 120-unit Condominium Building; Applications include 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 Scoping Meeting: The Planning Commission held an Environmental Review Scoping Meeting on November 12, 2019 to identify potential environmental issues to be studied in the environmental document (see attached November 12, 2019 Planning Commission Minutes). At this meeting it was initially assumed that the environmental review under the California Environmental Quality Act (CEQA) would be a Class 32 Infill Exemption. However, during the preparation of the initial study for this project it was discovered that the existing building was found to be significant under the California Register of Historical Resources, Criterion 1 (Events) for its association with the United Farm Workers' labor activism in the 1960s and 1970s, and their decade-long struggle against the Teamsters (which is described below in more detail).

Per the CEQA guidelines, a significant impact to a historical resource is defined as demolition, destruction, relocation, or alteration such that the significance of the resource would be impaired. For built resources, there typically is not a set of standard mitigations that lessen impacts. The project would need to retain the existing resource and, ideally, conform to the Secretary of the Interior's Standards for the Treatment of Historic Properties (explained below), which often requires substantial changes to a project design. Mitigation measures such as interpretive displays and documentation reports partly compensate for the loss of the historical resource but cannot avoid the impact or reduce the impact to a less than significant level. Therefore, it was concluded that the project could no longer qualify for the Class 32 Infill Exemption and an Environmental Impact Report would be required as detailed below.

Public Review on Draft Environmental Impact Report (Draft EIR): The City issued a Notice of Preparation (NOP) of an EIR for the proposed Project on July 10, 2020, in compliance with CEQA Guidelines Sections 15082(a), 15103, and 15375. The NOP 30-day review period began on July 10, 2020 and concluded on August 10, 2020. The Planning Division received four comment letters from interested parties during the public review and comment period. The Planning Division considered the comments made by the public in preparation of this Draft EIR for the proposed Project. Comments on the NOP are included as Appendix A to this Draft EIR.

On November 23, 2020, the Draft EIR (DEIR) for the proposed development at 1868-1870 Ogden Drive was released for public review. CEQA requires a 45-day review period for the DEIR, however due to the upcoming holidays, this comment period was extended and will run through Monday, January 11, 2021. The Notice of Availability / Notice of Completion of the DEIR was sent to agencies, interested persons and to the State

Clearinghouse on November 23, 2020 (SCH#2020070230). The DEIR is available for public review and comment until January 11, 2021. The DEIR is available for review at the City's website (www.burlingame.org/1868ogden). Because of the current COVID-19 pandemic, a copy of the DEIR is available for public review by appointment only at the Burlingame Community Development Department, Planning Division, 501 Primrose Road.

Public Comment Process: The Planning Commission public comment meeting is required under the CEQA statute and is intended to be an opportunity for the public and affected agencies to comment on the DEIR document, pertaining to:

- The overall adequacy of the environmental review; and
- Issues that may require further analysis.

At this time, the Planning Commission should take public comment on the DEIR. This meeting is not a hearing to consider approval of the project, nor is it the time to discuss the merits of the project. Once all comments are received at the end of the review period, a Response to Comments document will be prepared to respond to all comments made on the DEIR during the public review period. The Response to Comments document, together with the DEIR, will constitute the Final EIR for the project. Once the Final EIR is complete, the Planning Commission and City Council will hold public hearings to consider certification of the EIR and approval of the project.

Draft EIR – Summary of Potential Significant Impacts and Mitigation Measures: CEQA requires that governmental agencies must give "major consideration to preventing environmental damage when regulating activities affecting the quality of the environment." An environmental impact report (EIR) is an information document used to inform decision makers and the public of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.

The DEIR analyzed the impacts of the proposed development at 1868-1870 Ogden Drive and has identified that the proposed project would have a significant and unavoidable impact on a historical resource. The DEIR has also identified that the proposed project would result in impacts that could be mitigated to a less-than-significant level to the following environmental resources:

- air quality;
- biological resources;
- archaeological/tribal cultural resources;
- geology/soils (paleontological resources);
- noise; and
- transportation.

The DEIR has also identified that the proposed project would result in less-than-significant impacts or no impact to the following environmental resources:

- aesthetics;
- agricultural and forest resources;
- energy;
- greenhouse gas emissions;
- hazards and hazardous materials;
- hydrology and water quality;
- land use;
- mineral resources;
- population and housing;
- public services;
- recreation;
- utilities and service systems; and
- wildfire.

Historic Significance and CEQA: CEQA defines a historical resource as a property listed in, or eligible for listing in, the California Register of Historic Resources (or CRHR); included in a qualifying local register; or determined by a lead agency to be historically significant. In order to be considered a historical resource, a property must generally be at least 50 years old. CEQA requires lead agencies to determine if a proposed project would have a significant effect on important historical resources or unique archaeological resources. Under CEQA, a substantial adverse change in the significance of a resource means the physical demolition, destruction, relocation, or alteration of the resource. The one area that the project was found to have significant unavoidable impact upon was cultural resources due to events that have taken place on-site as detailed below. Because the project involves the demolition of the building, it is considered to be a significant unavoidable environmental impact that triggers the need for an EIR.

As described in Section 5024.1 of the California Public Resources Code, the California Register of Historic Resources (CRHR) criteria, which are based on the evaluative criteria established by the National Register of Historic Places (NRHP), are as follows:

- Criterion A (Event): Properties associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States.
- Criterion B (Person): Properties associated with the lives of persons who were important in our local, regional, or national past.
- Criterion C (Design/Construction): Properties that embody the distinctive characteristics of a type, period, or method of construction or represent the work of a master or possess high artistic values.
- Criterion D (Information Potential): Properties that yield, or may be likely to yield, information important in prehistory or history.

The building at 1868–1870 Ogden Drive was completed in 1964 as headquarters for the Western Conference of Teamsters (Teamsters), which occupied the building from 1964 until 1977. The Teamsters occupancy of the building occurred during the organization’s long-standing labor dispute with the National Farm Workers Association (NFWA), which evolved into the United Farm Workers Organizing Committee (UFWOC or, more commonly, UFW). Cesar Chavez, the influential Latino labor organizer and civil rights leader, co-founded the NFWA in 1962. From that year until his death in 1993, he spearheaded various campaigns to establish better pay and working conditions for agricultural workers. His efforts resulted in his being the recipient of numerous honors, including the Presidential Medal of Freedom in 1994.

The Teamster headquarters at 1868–1870 Ogden Drive was specifically associated with the struggle of the farmworkers. From the late 1960s through the late 1970s, the UFW and Teamsters waged a lengthy, violent, and occasionally deadly jurisdictional battle to decide who would represent farmworkers in California. The conflicts between the UFW and Teamsters were significant. The building at 1868–1870 Ogden Drive was also the site of numerous UFW demonstrations against the Teamsters and was bombed on April 18, 1974. The blast, which was powerful enough to be heard 4 miles away, shattered most of the building’s windows and many windows in adjacent buildings. It blew a crater in the floor of the parking area and caused other damage, both inside and outside but no injuries were reported. Teamster officials refused to speculate as to who may have been responsible for the blast but implied possible UFW involvement.

The subject property served as a negotiation site as well; first, between the UFW and growers and, later, between the UFW and the Teamsters themselves. The first negotiations were in 1973; then in 1977 there were more negotiations which ultimately resulted in an agreement between the two unions that ended their decade-long fight and captured national headlines.

Given this involved history, the building at 1868–1870 Ogden Drive is a historical resource for the purposes of CEQA under Criterion A- event. The DEIR includes Mitigation Measures CR-1 and CR-2 that would require documentation and interpretation regarding the significance of the building at 1868–1870 Ogden Drive. These measures require the applicant to create a collection of materials that would document the physical

characteristics of the building and its historic context, which would be provided to publicly accessible repositories, in the new plaza at the front of the building. As such, this documentation would be made available to the public to inform future research related to the significant events that took place at the building. But even with the proposed mitigations commemorating the historic events at the site, because the Project proposes to demolish this CRHR-eligible historical resource, it is considered a substantial adverse change in the significance of the historical resource and would result in a significant impact on a historic resource, and therefore requiring the preparation of an EIR.

General Plan and North Burlingame Mixed Use (NBMU) Zoning 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. The North Burlingame Mixed Use (NBMU) zoning implements the General Plan mixed-use zoning with increased densities given the proximity to Burlingame Plaza and the Millbrae multimodal transit station. This interim zoning was approved by the Planning Commission as permanent zoning at their October 13, 2020 meeting, then introduced to City Council at their November 2, 2020 meeting, and finally adopted as permanent zoning by Council on November 16, 2020.

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.

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 89,859 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 General Plan Update and NBMU zoning provide for a 20% parking reduction for projects that utilize a Transportation Demand Management (TDM) plan per Section 25.40.030(B)(4)(h) provided the project includes a permanent mobility mode shift towards alternative transportation of 25% or greater for building occupants through the TDM program. The applicant has prepared a TDM Plan and intends to implement the TDM program per the Hexagon Transportation Consultants TDM, dated November 8, 2020 (attached as Appendix B in DEIR). Staff would note that by implementing the TDM program, a reduction of 29.6 spaces is applied

reducing the required parking from 148 spaces to 119 spaces. The total on-site parking proposed is 150 spaces, 31 spaces more than required.

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; 66 of the 150 spaces would be 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 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 (Draft EIR);
- 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 Zoning Standards.

1868-1870 Ogden Drive

Lot Area: 39,138 SF (0.89 acres)

Plans date stamped: December 7, 2020

	Proposed	Tier 3 Projects Maximum Allowed/ Minimum Required
Density – Residential Units:	133 du/ac ¹ 120 units	140 du/ac 126 units
Building Height:	6 stories 68'-5" to top of parapet 75'-11" to top of elevator penthouse (allowed with building height exception)	7 stories 75'-0"
Front Setback:	15'-0"	0' – 10' (with at least 40 % of structure located at streetscape frontage line per Table 25.40-3)
Side Setback:	10'-0"	10'-0"
Rear Setback:	15'-0"	15'-0"

¹ Tier 3 project requested (C.S. 25.40.030(B)(3))

	Proposed	Tier 3 Projects Maximum Allowed/ Minimum Required
Lot Coverage:	71.3% ² 27,924 SF (12.5% podium open space)	80% 31,310 SF
Open Space and Landscaping:	<p>Common:</p> <p>2,626 SF – ground rear yard 5,088 SF – ground front yard 3,510 SF – podium 911 SF – 3rd 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>	12,000 SF total required (100 SF per unit)
Landscape Coverage:	13.9 % of site 5,451 SF	10% of site 3,913 SF
Public Plaza:	3,400 SF	2,000 SF
Number of Parking Spaces:	150 spaces (66 tandem) ³ <u>Basement Level</u> 56 Unistall <u>24 Tandem</u> * 80 spaces <u>First Level</u> 28 Unistall (includes 8 EV & Clean Air/8 ADA) <u>42 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 = 82.5 spaces Total - 148 spaces TOTAL 148 spaces – 20% TDM = 119 spaces required
Parking Stall Dimensions:	8'-6" x 17'-0"	8'-6" x 17'-0"

² 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 (2nd flr) totals 3,510 SF in area, which would reduce the lot coverage to 62.3%.

³ 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.

	Proposed	Tier 3 Projects Maximum Allowed/ Minimum Required
<i>Aisle Dimensions:</i>	24'-0"	24'-0" for 90-degree parking
<i>Driveway Width:</i>	19'-0" off of Ogden Drive 20' entrance ramp	Parking areas with more than 30 vehicle spaces need two- 12'-0" wide driveways or one -18'-0" wide driveway
<i>Bicycle Parking:</i>	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)
<i>Electric Vehicle Charging Stalls:</i>	8 spaces (5% of all spaces)	8 spaces (5% of all spaces)

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 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 2020 San Mateo County Income Limits for low income is a maximum of \$97,440 for a single-person household, a maximum of \$111,360 for a two-person household, a maximum of \$125,280 for a three-person household, and maximum of \$139,200 for a four-person household (see attached San Mateo County 2020 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 transitions to the sidewalk. The project proposes 13.9% total site landscaping with 60% landscaping in the front setback, and therefore the project 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 of the site 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. As noted in the project summary above, the General Plan Update and NBMU zoning provide for a 20% parking reduction for projects that utilize a Transportation Demand Management (TDM) plan per Section 25.40.030(B)(4)(h) provided the project includes a permanent mobility mode shift towards alternative transportation of 25% or greater for building occupants through the TDM program. The applicant has prepared a TDM Plan and intends to implement the TDM program per the Hexagon Transportation Consultants TDM, dated November 8, 2020 (attached as Appendix B in DEIR). The TDM program would include measures such as retaining a transportation coordinator, online transportation kiosk, residential orientation packet, bicycle parking, EV charging spaces, dedicated passenger loading in front of the property, and unbundled on-site parking (so long as 1 space is provided per unit). Staff would note that by implementing the TDM program, a reduction of 29.6 spaces is applied reducing the required parking from 148 spaces to 119 spaces. The total on-site parking proposed is 150 spaces, 31 spaces more than required by code (with 10% reduction for TDM plans).

The project would meet the on-site parking requirement with a total of 150 on-site parking spaces provided, 66 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 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 within the building and one level would be 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 28 independently accessible spaces, including a mix of electric vehicle (EV), disabled-accessible, van accessible, and clean air spaces. The remaining 42 spaces on this level would be provided in tandem. The NBMU zoning requires 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 56 independently accessible and 24 tandem spaces.

The NBMU 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.

Staff Comments: See attached.

Planning Commission Action: The Planning Commission should hold a public comment session to accept comments from the public on the adequacy of the Draft Environmental Impact Report (Draft EIR) in identifying any potential environmental effects of the project, as well as in setting forth mitigation measures to minimize the impacts of these effects. Following comments from the public, Commission members should also make comments on the adequacy of the Draft EIR.

Catherine Keylon
Senior Planner

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

Attachments:

November 12, 2019 Planning Commission Minutes
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 2020
Notice of Availability of Draft EIR and Notice of Completion of DEIR – Mailed & Published November 23, 2020
Neighbor Letters of Concern

- G. Velez, August 17, 2019
- G. Velez, November 13, 2019
- C. Voytan November 11, 2019

Notice of Public Hearing – Mailed December 4, 2020
Area Map

Submitted Separately:

Draft Environmental Impact Report – 1868 Ogden Drive Project, dated November 2020 (SCH# 2020070230)