

WILSON  
MEANY  
SULLIVAN

March 25, 2008

Ms. Darcy Forsell  
Senior Planner  
City of San Mateo  
Department of Community Development  
330 West 20<sup>th</sup> Avenue  
San Mateo, CA 94403-1388

Re: Bay Meadows  
Guidelines Exceptions List SPAR 1

Dear Darcy,

The following is a listing, by Block, of the Guidelines exceptions contained within the SPAR 1 drawings. The reasons for each exception and the description of how the design intent of the relevant Design Guidelines items or conditions is met are also included with each listing. These descriptions are in support of Section 1.2 of the Bay Meadows Phase II Design Guidelines and Development Standards, which provides that an application may be approved if it is found that the proposed design is consistent with the overall design intent and goals of the Design Guidelines and the Specific Plan Amendment even though one or more specified items or conditions are not satisfied.

Please do not hesitate to contact with any questions or comments you may have.

Sincerely,



Keith Orlesky

cc. Janice Thacher  
Chris Meany  
Kim Havens  
Matthew Priest

## Guideline Exceptions

### STA 1

#### Curb cut width

p. II-28, Figure II-83

The southernmost curb cut on Delaware Street exceeds the 35' maximum width.

The southern curb cut is proposed to be 36' wide. The additional width meets DPW traffic standards for the volume of cars and street geometry at this entrance, and will not create a significant impediment to cyclists or pedestrians.

#### Allowable Encroachments

p. II-16, paragraph (6)

A screen wall on the parking structure encroaches in excess of the allowed four feet on the Delaware frontage.

The proposed parking structure design incorporates a curved architectural screen wall. A 40 foot long portion of this screen wall extends across the Setback Line (SL) in excess of the four feet allowed in the Design Guidelines (DG). This projection is used to form a curve in the exterior architecture that is consistent with other curves on the parking structure and the office building, and which is used to disguise the standard rectangular garage footprint. The encroachment does not extend beyond the Property Line (PL). This encroachment allows the garage to be positioned with enough room for an auto/service/EVA roadway between the west side of the garage and the rail right of way, while maintaining pedestrian access and the landscape setback along Delaware.

p. II-16

The office building projects across the Setback Line along Delaware and the Property Line along 28<sup>th</sup>. The nature of this projection (the "prow" at the corner of 28<sup>th</sup> Delaware) is not strictly defined in the Guidelines.

Approximately 20 lineal feet of the upper floors (14 feet above ground level) along the 28<sup>th</sup> frontage angle out across the PL to a maximum encroachment of four feet. Approximately 48 lineal feet of the upper floors (14 feet above ground level) along the Delaware frontage angle out across the SL to a maximum encroachment of four feet. This architectural projection is used as a device to emphatically meet the DG requirement to hold and mark the corner at this important intersection.

The five westernmost columns supporting the upper floors of the office building on the 28<sup>th</sup> Avenue façade sit within the required 1' easement adjacent to the Right of Way. All columns closer to the tracks progressively step back from the easement. In addition a minimum of 5' additional clear and weather protected pedestrian circulation area is available between the columns and the building

façade, creating a significant net increase to the space available for pedestrians on 28<sup>th</sup> Avenue.

## STA 2

### Building Height

p. II-11, Figure II-44, and p. II-32, Figure II-94

The free standing retail building (STA 2b) does not have the specified two story minimum height.

The overall height of the building (from 18' to 28') is consistent with the height implied in the specified two story minimum, and creates the desired volumetric characteristic of the street.

### Building Depth

p. II-32, Figure II-94

The depth of the free standing retail building is not the specified 60' minimum (Site B).

The provided 50' depth is adequate to hold the corner, accommodate viable retail uses, and achieve the desired distinction in massing between Site a and Site b. It also increases the size and quality of the usable open space between the building and the office building behind it.

### Ground Floor Parking

p. II-30, General Criteria

Parking at-grade is not separated from the 28th Avenue right-of-way (Site STA 2a).

The at-grade parking will be screened behind a façade that is treated as an extension of the rest of the building to support the pedestrian experience at ground level.

### Curb Cut Width

p. II-31, Figure II-91

The minimum 50' separation between curb cuts along Derby (29<sup>th</sup>) Avenue has not been met.

The Guidelines require a maximum of two 35' maximum wide curb cuts with a 50' minimum separation. Since the timing or configuration of the proposed undercrossings of the tracks at 28<sup>th</sup> and 31<sup>st</sup> Avenue are unknown the service and garage entrances allowed for in the Design Guidelines for STA Blocks 2, 3 & 4 on 28<sup>th</sup> and 31<sup>st</sup> have been consolidated onto Derby (29<sup>th</sup>) and Landing (30<sup>th</sup>) Avenues. STA 2 includes two curb cuts of 25' and 26' width on Derby Avenue, with a 30' separation zone between them. This design reduces the total amount of area devoted to vehicle entry and pulls these access points as far as possible from the potential future train station portal at the tracks, and the landscaped courtyard that exists between the office building and the separate retail building fronting onto Delaware Street. The 30' separation zone between the vehicular service entrance and the garage entrance is protected by ground cover

landscaped zones on both sides of the sidewalk that provide for and clearly designate pedestrian only zones and that minimizes the amount of paving around these curb cuts.

#### Allowable Encroachments

p. II-16, paragraph (6)

The encroachment of the window frame element on the Delaware façade is not strictly defined in the Design Guidelines.

The upper three floors of the office building façade that fronts Delaware Street is outlined with a large masonry frame that projects beyond the PL 3', at a minimum height of 16' above the sidewalk. This architectural projection does not include occupiable floor space, and serves to hold and emphasize the corner and to provide a dramatic break between the ground floor active use and the office uses above.

#### Build-To Zone

p. II-32, Table II-2

The total Block frontage does not have the specified 80% minimum built within five feet of PL along 28<sup>th</sup> or Delaware.

77% of the office building frontage to 28<sup>th</sup> Avenue is within 5' of the PL because the building includes a setback corner at the west PL where the building abuts the tracks. This setback reduces the impact of the full four story massing along 28<sup>th</sup>, opens the corner for visibility and access to and from access points to a potential relocated station platform and grade separation at 28<sup>th</sup>, and provides a landscaped storm water treatment zone.

50% of the total Block frontage to Delaware is built at the ground floor to within 5' of the PL. 93% of the Delaware frontage of the retail building (STA2b) is built to the Delaware PL. 0% of the office building (STA2a) is built to within 5' of the PL. The office building frontage to Delaware is pulled back 10' behind the PL to increase the pedestrian space available at the corner, and to dramatize the overhanging projection of the upper floors that shelters this expanded sidewalk area. The continuous active use zone at this ground floor location meets the Guidelines intent for continuous active use along Delaware, and the setback has the potential to allow additional merchandise display or protected outdoor seating. The impression to the pedestrian from further down or across the street will be of the desired Delaware streetwall, as the upper floor façade of the office building combined with the eaves and roof overhangs of the retail building provide over 82% of mass built to within 5' of the PL.

### STA 3

#### Building Height

p. II-11, Figure II-44, and p. II-35, Figure II-103

The free standing retail building (STA 3b) does not have the specified two story minimum height.

The overall height of the building (from 18' to 28') is consistent with the height implied in the specified two story minimum, and creates the desired volumetric characteristic of the street.

#### Build to Zone

p. II-35, Table II-3

The total Block frontage does not have the specified 80% minimum built within five feet of PL along Delaware.

Together, the building facades of buildings STA 2a and STA 2b achieve a Build-To of 75%. The 5% (or 16') shortfall is created by the separation of the two buildings to allow access to the recessed lobby of the office building, and by the decision to allow a portion of the volume beneath the southern overhanging roof of the retail building to be an unenclosed outdoor dining area. This area does not count as frontage measured in the Build-To calculation, but will contribute to the desired continuity of activity along the Street. Measured within the boundary of the office and retail buildings' drip line volume created by the broad overhangs and supporting columns the Block total Build-To is 79%, providing the desired volumetric consistency along the Block face.

#### Allowable Encroachments

p. II-16, paragraph (6)

The projection of the cornice at the top of the office building on the Delaware façade exceeds the 4' encroachment maximum into the right of way. The north edge of the roof on the retail building exceeds the 4' encroachment maximum into the private right of way of Derby Avenue.

The cornice of the office building projects a total of 6'-6" into the Right of Way. The scale of this element is in keeping with the overall mass and height of the building, provides a valuable element of ornament and detail to the streetscape, and does not interfere with the use of the public right of way.

The roof of the retail buildings projects a total of 5'2" over the Derby Avenue Property Line. This overhang is effective in reducing the perceived width of this private right of way, serves to increase the continuity of the street along Delaware, and provides an element of weather protection for pedestrians. At its lowest height it is 18' above street level, and does not interfere with the use of the public right of way.

**Curb Cut Width**

p. II-34, Figure II-102  
The minimum 50' separation between curb cuts along Derby (29<sup>th</sup>) Avenue has not been met.

The Guidelines require a maximum of two 35' maximum wide curb cuts with a 50' minimum separation. STA 3a includes two curb cuts of 20' width, with an 8' separation zone between them on Derby Avenue. This design reduces the total amount of area devoted to vehicle entry and pulls these access points as far as possible from the potential future train station portal at the tracks, and the landscaped courtyard that exists between the office building and the separate retail building fronting onto Delaware Street.

**STA 4**

**Building Height**

p. II-11, Figure II-44, and p. II-38, Figure II-112  
The free standing retail building (STA 4b) does not have the specified two story minimum height.

The overall height of the building (from 20' to 28') is consistent with the height implied in the specified two story minimum, and creates the desired volumetric characteristic of the street.

**Building Depth**

p. II-38, Figure II-112  
The depth of the free standing retail building is not the specified 60' minimum (Site B).

The provided 50' depth is adequate to hold the corners, accommodate viable retail uses and achieve the desired distinction in massing between Site a and Site b. It also increases the size and quality of the usable open space between the building and the office building behind it.

**Ground Floor Parking**

p. II-36, General Criteria  
Parking at-grade is not separated from the 31st Avenue right-of-way (Site a).

The at-grade parking is screened behind a façade that is treated as an extension of the rest of the building to support the pedestrian experience at ground level.

**Curb Cut Width**

p. II-37, Figure II-111  
The minimum 50' separation between curb cuts along Landing (30<sup>th</sup>) Avenue has not been met.

The Guidelines require a maximum of two 35' maximum wide curb cuts with a 50' minimum separation. Since the timing or configuration of the proposed under crossings of the tracks at 28<sup>th</sup> and 31<sup>st</sup> Avenue are unknown the service and garage entrances

allowed for in the Design Guidelines for STA Blocks 2, 3 & 4 on 28<sup>th</sup> and 31<sup>st</sup> have been consolidated onto Derby (29<sup>th</sup>) and Landing (30<sup>th</sup>) Avenues. STA 4a includes two curb cuts of 27' width on Landing Avenue, with a 30' separation zone between them. This design reduces the total amount of area devoted to vehicle entry and pulls these access points as far as possible from the potential future train station portal at the tracks, and the landscaped courtyard that exists between the office building and the separate retail building fronting onto Delaware Street. The 30' zone between the service entrance and the garage entrance is protected by ground cover landscaped zones on both sides of the sidewalk that provide for and clearly designate pedestrian only zones and minimizes the amount of paving around these curb cuts.

## Build-To Zone

p. II-38, Table II-4

The total Block frontage does not have the specified 80% minimum built within five feet of PL along Delaware or within 9' of 31<sup>st</sup> Avenue.

Together, the building facades of buildings STA 4a and STA 4b achieve a Build-To of 56% on the Delaware Street frontage. The 24% shortfall is created by the separation of the two buildings to allow access to the recessed lobby of the office building, by the decision to allow a portion of the volume beneath the southern overhanging roof of the retail building to be an unenclosed outdoor dining area, and by the undulation of the office building façade which, though very clearly addressing the street, moves both in front of and behind the zone 5' from the PL. The area underneath the overhanging roof of the free standing retail building (STA 4b) does not count as frontage measured in the Build-To calculation, but will contribute to the desired continuity of activity along the Street. The undulating curve of the office building was not anticipated by the Guidelines. Although its geometry makes the lineal frontage specified in the Guidelines difficult to achieve, it creates the continuous street frontage and presence at the corner the Guidelines imply. Measured within the boundary of the office and retail buildings' drip line volume created by the broad overhangs and supporting columns the Block total Build-To is 86%, providing the desired volumetric consistency along the Block face.

20% of the ground floor office frontage along 31<sup>st</sup> Avenue is built within 9' of the PL. This is because the curved shape of the office building pulls it away from the PL in certain areas and at the corner, decreasing the frontage in the Build-To zone. The setback distance, which is measured from the façade line, not from the columns that create the arcade along the base, is used to increase the area available to pedestrians along 31<sup>st</sup> Avenue. The building shape adds architectural interest and character to the pedestrian experience as well as enlarging the view corridor from town center to the train station. The office floors above this arcade have 91% of their

façades within 9' of the PL, demonstrating the volumetric enclosure the building provides along this Avenue.

#### Allowable Encroachments

p. II-16, paragraph (6)

The encroachment of the curved facade element at the corner of Delaware and 31<sup>st</sup> is not strictly defined in the Design Guidelines. The north edge of the roof on the retail building exceeds the 4' encroachment maximum into the private right of way of Derby Avenue.

The Delaware Avenue and 31<sup>st</sup> Street frontages of the office building have curved walls that create a projection across the PL. The maximum encroachment is four feet or less, and has a minimum clearance above the sidewalk of 16'. The curved façade moves across and back away from the PL to provide a sheltered arcade for pedestrian traffic.

The roof of the retail buildings projects a total of 6'9" over the Landing Avenue Property Line. This overhang is effective in reducing the perceived width of this private right of way, serves to increase the continuity of the street along Delaware, and provides an element of weather protection for pedestrians. At its lowest height it is 20' above street level, and does not interfere with the use of the public right of way.

#### STA 5

##### Ground Floor Parking

p. II-39, General Criteria

Parking at-grade is not separated from the 31st Avenue right-of-way (Site A).

The at-grade parking is screened behind a façade that is treated as an extension of the rest of the building to support the pedestrian experience at ground level.

##### Curb Cut Width

p. II-40, Figure II-120

The maximum 35' width of a curb cut onto Delaware Street has been exceeded.

Since the timing or configuration of the proposed undercrossing of the tracks at 31<sup>st</sup> Avenue are unknown the service and garage entrances allowed for in the Design Guidelines for STA Block 5 on 31<sup>st</sup> Avenue and on Delaware Street have been consolidated into a single 53' wide curb cut on Delaware Street. The combined curb cut is located as far to the south as possible to minimize the impact to the potential active ground floor use along Delaware Street at the 31<sup>st</sup> and Delaware intersection, and includes a continuous extension of the sidewalk paving material to signal pedestrian priority to vehicles in this zone.

Build-To Zone

p. II-41, Table II-5

The total Block frontage does not have the specified 80% minimum built within five feet of SL along 31<sup>st</sup> Avenue.

The building has intentionally been pulled back approximately ten feet from the SL to allow for an expanded landscaped strip along 31<sup>st</sup> that allows flexibility for future grade separation and platform access options, and which softens and enhances the pedestrian experience while also opening up the view from the train station to town square.

MU 2

Building Height

p. II-11, Figure II-44, and p. II-48, Figure II-134

The office and retail building does not have the specified four story minimum height at the intersection of Delaware Street and 28th Avenue (Site B).

The overall height (48' to top of parapet) is consistent with the desired 4-story massing, holds the frontage against the Avenue, and creates a three dimensional emphasis at the street corner.

Hold Corners

p. II-48, Figure II-134

The corners of Delaware Street at 28th and Derby (29<sup>th</sup>) Avenues are not held the required 60' depth (Site B).

The entire depth of the office and retail building holds the corners to a depth of 50' and creates the desired massing at the intersections, and allows for viable retail or active uses to turn the corner to the Avenues.

Build-To Zone

p. II-48, Table II-7

Along 28th Avenue, the two buildings do not have the specified minimum 80% first-floor Build-To within 3' of the Setback Line (Sites A & B). The retail building on Delaware does not meet the requirement for 80% of its frontage to be within 5' of the PL.

The geometry of the larger residential building (MU2 a) reflects the entirely below grade parking garage on which it is built, and which does not have a curve to follow the 28<sup>th</sup> Avenue Property Line. However, both buildings reinforce the Block face along the curve of 28th Avenue, with a combined Build-To exceeding 92% within 10' of the Setback Line, thus creating the desired reinforcement of the 28th Avenue corridor. The increased setback depth on the residential building is used to allow additional landscaping along this edge.

The mixed use building on Delaware (MU 2b) has 78% of its frontage within 5' of the PL. The 2% shortfall is due to the width of the paseo that has been provided, the setbacks within the body of the

building that allow the corners to be expressed, and the small corner setback at the south side of the paseo that serves as an outdoor seating and dining area.

#### Lower Height Zone

p. II-48, Figure 134

Along Derby (29<sup>th</sup>) Avenue, the 90' maximum depth dimension of the four story building along Delaware has been exceeded (MU 2a).

Instead of the specified 90' dimension the Lower Height Zone along Derby has been provided at a distance of 106 feet from the Kyne Street (Street A-West) property line. The desired transition and distinction of the primary frontage along Kyne Street from the desired smaller scale on Derby Avenue has been met.

#### Allowable Encroachments

p. II-16, Figure II-57

Along 28<sup>th</sup> Avenue the minimum 5' setback has been exceeded.

Along 28th Avenue, a narrow sliver of the basement garage encroaches up to 10 inches into the minimum 5-foot setback. However, a landscaped setback in front of a podium-top planter is proposed at this location. The net effect visible from the public way will be essentially identical to the configuration shown in Figure II-57, providing a planted setback of at least 4'-2" from the property line along 28th Avenue.

### MU 3

#### Allowable Encroachments

p. II-16, Section II.5 Allowable Encroachments – Item (3)

Two Balconies on Kyne Street project more than the allowable 4'-0" into the setback.

The 2 balconies are stacked one above the other within the architectural screen element that projects in front of the building immediately to the north of the pedestrian passage on the Kyne Street frontage. To complement that architectural expression the balconies project 2' 3" further than the specified 4'-0". This extension does not materially impact pedestrians at street level, and contributes useable open space above the street level that overlooks the park.

#### Pedestrian Easement Cover

p. II-50, General Criteria

The required through-block pedestrian easement is covered by two pedestrian bridges at a height lower than 15' (Sites A & B).

The Site A bridge is only 8' wide and provides 12' minimum clearance underneath. The Site B bridge is only 10' wide and provides 11'-6" minimum clearance underneath. The pedestrian easement is just over 219' long, so the total overhead coverage is only

8.2%. The proposed configuration creates the desired condition of the pedestrian passage being airy and having only minor cover.

#### Lower Height Zone

p. II-50, Derby (29<sup>th</sup>) and Landing (30<sup>th</sup>) Avenues Frontage Criteria, and p. II-52, Figure 145

Along Derby and Landing Avenues, the required Lower Height Zone is more than one story lower than contiguous frontage (Site A).

The fact that the Lower Height Zone is two to three stories lower than the 5-story contiguous frontage emphasizes the desired transition from primary frontages along Kyne and Delaware Streets to the secondary frontage of Derby and Landing Avenues.

#### Hold Corners

p. II-52, Figure II-145

The corners of Delaware Street at Derby (29<sup>th</sup>) and Landing (30<sup>th</sup>) Avenues are not held the required 60' (Site B).

The entire depth of the office and retail building holds the corners to a depth of 50' and creates the desired massing at the intersections, and allows for viable retail or active uses to turn the corner to the Avenues.

#### MU 4

##### Build-To Zone

p. II-56, Table II-9

Along the View Corridor, more than 80% of the fourth floor is within 10' of the View Corridor and Town Square Easements.

98% of the fourth floor is within 10' of the Property Line. This is the desirable result of holding the building mass along the Linear Park and then especially along the Town Square, where the additional height provides a well proportioned enclosure of the Square.

However, the east end of the View Corridor façade (about 35% of the total length of that façade) is not parallel to the View Corridor, which has the effect of visually breaking the mass of the building when seen from the View Corridor. The projecting roofs over the bays along the remaining frontage complement this massing break, and provide desirable visual interest along the building's top along the View Corridor.

#### Hold Corner

p. II-56, Figure II-160

The corner of Delaware Street at Landing (30<sup>th</sup>) Avenue is not held the required 60'.

The entire depth of the office and retail building holds the corner to a depth of 50' and creates the desired massing at the intersection, and allows for viable retail or active uses to turn the corner to the Avenues.

## RES 7

### Architectural Feature

p. II-11, Figure II-44; p. II-77, General Criteria; p. II-78, Figure II-207; and p. II-79, Figure II-210

The required Architectural Feature on the Town Square is at the 31st Avenue corner rather than the View Corridor corner.

In the proposed location and configuration as a tower, the Architectural Feature anchors the corner of Delaware Street and 31st Avenue and will be visible from a distance, reinforcing the desired urban character of the Town Square.

### Building Height

p. II-11, Figure II-44, and p. II-79, Figure II-210

The building height along the View Corridor between the Linear Park and the Town Square is 5 stories rather than 4 stories.

The extension of the allowable 5 story height on the View Corridor axis to the frontage along the Town Square reinforces the desired urban character of Delaware Street and the Town Square and provides improved emphasis and visibility of the Square to 31<sup>st</sup> Avenue and the Caltrain station users there.

### Hold Corner

p. II-79, Figure II-210

The corner of Delaware Street at 31st Avenue is not held the required 60'.

The placement of the tower provides the desired strong corner condition at this location.

### Build-To

p. II-79, Table II-16

Proposed Build-To percentages along the View Corridor and the Town Square are lower than those specified.

At the lower floors facing the View Corridor, 23% is within 5' of the Setback Line as a result of providing private open space in front of all ground-floor units. 87% of the frontage is within 16' of the property line. The resulting View Corridor streetwall produces a clear and consistent definition of the View Corridor space in conjunction with a rich landscape, thus achieving the desired character for pedestrians using the View Corridor.

At the Town Square lower floors, the proposed design provides 80.5% within 3' of the Setback Line. The deviation from the specified 100% is created by the setback that helps to define the corner tower, and a setback at the intersection with the View Corridor that helps the building turn that corner. As the proposed building provides a strong sense of enclosure to this edge of the "urban room" while providing a pergola at the upper stories as encouraged by the Delaware Street and the Town Square Frontage Criteria on page II-77, the desired spatial condition is satisfied.