

City of Burlingame

Environmental Review, Commercial Design Review, Historic Variances and Parking Easement for the redevelopment/restoration of the existing Post Office building and construction of a New 6-story Office Project with Ground Floor Retail and two Levels of Underground Parking.

Address: 220 Park Road and below grade portion of City Parking Lot E **Meeting Date:** November 23, 2020

Request: Application for Environmental Review, Commercial Design Review, Historic Variances for Height (Title 21) and Parking, and Request for a Parking Easement (below grade under Lot E) for the redevelopment and restoration of portions of the existing Post Office building and construction of a New 6-story Office Project with Ground Floor Retail and two levels of Underground Parking.

Applicant: 220 Park – Burlingame LLC

APN: 029-204-250 & 029-204-230

Architect: KSH Architects

Lot Area: 54,956 SF (1.26 acres)

Property Owner: Burlingame Park Square LLC

General Plan: Downtown Specific Plan (Howard Avenue Mixed Use District)

Zoning: HMU (Howard Mixed Use)

Adjacent Development: Professional office, personal services, retail, restaurants and City Parking Lot E.

Current Use: Former United States Post Office (currently vacant).

Proposed Use: Redevelopment of portion of historic Post Office building and new 6-story mixed use office building; retail on the ground floor and office on upper five floors.

Allowable Use: Permitted uses include retail uses, personal services, business services, hotels, travel agencies, government agencies, grocery stores and markets, financial institutions; Permitted uses allowed above the first floor only include offices, including health services and real estate, multifamily residential uses, personal trainer and assessment businesses.

Conditional Use: Instructional classes incidental to retail or service use, commercial recreation use, food establishments, pool halls, bowling alleys and other commercial amusements, performing arts facilities, laundry and dry cleaning agencies with on-site processing plants, drive-in services or take-out services associated with permitted uses.

Environmental Review: California Environmental Quality Act (CEQA) Guidelines, Section 15183 is intended to streamline environmental review for projects that are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified. Projects meeting this criteria shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects that are peculiar to a project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.

In evaluating whether a project can utilize this streamlined environmental review based on consistency with the City of Burlingame General Plan and the GP EIR, CEQA Guidelines section 15183(b) specifies that examination of environmental effects shall be limited to those effects that:

- Are peculiar to a project or a parcel on which a project would be located.
- Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan with which a project is consistent.
- Are potentially significant offsite impacts and cumulative impacts that were not discussed in the prior EIR prepared for the general plan, community plan, or zoning action.

- Are previously identified significant effects that, as a result of substantial new information that was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

ICF Jones & Stokes, Inc. (ICF) was the CEQA consultant selected and they have prepared a CEQA checklist under Section 15183 of the California Environmental Quality Act (CEQA). This is based on an understanding that the proposed project would be consistent with the updated Burlingame General Plan and the Burlingame Downtown Specific Plan. The proposal has also been determined to comply with the Preservation Covenant applicable to the former Post Office, the City Historic Preservation Ordinance (HPO-Title 21), the Secretary of Interior (SOI) Standards, and the Howard Mixed Use (HMU) zoning regulations. Therefore, it is assumed that efficiencies would be gained by tiering the CEQA review off of the General Plan EIR and the Specific Plan Initial Study/Mitigated Negative Declaration (IS/MND) under CEQA Guideline Sections 15162 and 15168, and Section 15183 of the CEQA Guidelines applies to the project.

While the Section 15183 checklist allows a streamlined review, the CEQA review still includes environmental analyses using a modified checklist to consider impacts related to all phases of the project including construction, implementation, and operation. The CEQA checklist examines the impacts of the proposed project, and a discussion follows each environmental issue identified in the checklist with project-specific mitigations measures, if required. In addition to the Downtown Specific Plan standard conditions of approval that apply to all projects receiving a streamlined lined review and the General Plan EIR mitigations measures, there were five specific mitigations that will apply to the proposed project; one related to air quality, one related biological resources, and three related to noise.

Project Site and Background (Historic Covenant/Town Square/Development Agreement): The project site is a through lot with frontages along Park Road and Lorton Avenue, between Burlingame and Howard Avenues, known as 220 Park Road. The site operated as a United States Post Office until 2015. Directly adjacent (north) to the project site is City of Burlingame Parking Lot E. The property totals 1.26 acres and is within the boundaries of the Burlingame Downtown Specific Plan area, in the Howard Mixed Use (HMU) zoning district. The subject property is less than a quarter mile from Burlingame's Caltrain station.

The Post Office property at 220 Park Road was sold by the Federal Government in 2015 and is now held in private ownership. During the sale of the property, a Historic Preservation Covenant (covenant) was attached to the property per terms established by the United States Postal Service (USPS). The purpose of the covenant is to bind the grantee to restoring, maintaining, preserving, or rehabilitating the historic character and defining features listed in the covenant in accordance with the recommended approaches of the Secretary of the Interior's Standards. The covenant is to be overseen by the City of Burlingame and the State Historic Preservation Office (SHPO). The covenant outlines the historic exterior and interior character defining features that should be retained or sensitively treated to meet the requirements of the covenant. The covenant specifies that the Park Road façade is the primary and most significant façade and suggests that there may be more flexibility on the Lorton Avenue façade.

Currently the site contains the now vacant US Post Office building which is 13,293 square feet (SF) in size, along with a garage building that is 1,275 SF, and a surface parking lot and driveways with 51 total parking stalls. The site is contained by perimeter fencing to prevent trespassing.

The City of Burlingame had previously entered into an Exclusive Negotiating Agreement (ENA) with the property owner, Burlingame Park Square LLC, in 2015 for a development proposal that would encompass both the Post Office property and the adjacent City-owned Parking Lot E. The ENA expired in September 2019, and the previous development proposal became inactive and has been terminated. Since then, the property owner of the former Post Office has engaged developer Sares Regis, in coordination with Dostart Development Company, on this current proposal.

There have been several study sessions on this new proposal:

- January 21, 2020 - representatives from Sares Regis presented an update to the City Council on potential uses and development concepts for the former Post Office property, specifically that a commercial/office development concept was being pursued rather than residential, in coordination with commercial/office developer Dostart Development Company;
- March 2, 2020 - representatives from Sares Regis presented the City Council with an update on the development and design concepts for the site;
- May 2, 2020 - representatives from Sares Regis presented an update to the City Council and Planning Commission at the annual joint City Council / Planning Commission meeting on the (current) proposal that was submitted to the City with entitlements on April 9, 2020;
- July 13, 2020 – Planning Commission held a Design Review Study Session;
- September 30, 2020 – applicant team held a (virtual) community open house to inform the public about the proposed project and answer any questions; approximately 18 members of the public participated in this meeting; and
- November 4, 2020- City Council held a special study session for the applicant to discuss the terms of a development agreement.

The City Council is working with the applicant on a Development Agreement (DA) for the proposed project. The intent of this agreement would be to create a mechanism that clarifies specific terms in which the project would be developed under, and would be a five-year agreement. The DA would include details related to coordination of the project construction with the public plaza (Town Square) that is planned for development on City Parking Lot E, public benefits including contributions from the applicant for the Town Square construction, specifications related to the construction schedule and staging that would occur within the public right-of-way (City Parking Lot E and Primrose Road), as well as the terms related to the shared parking agreement in which the applicant would open their parking garage for use by the general public on evenings and weekends. The DA would also address interim uses and maintenance of the property should the proposed project not be constructed in the near future following the assumed approval of the entitlements. The DA terms were first introduced to City Council at their special study session for discussion of this issue on November 4, 2020, and they are anticipated to review the refined term sheet at their December 7, 2020 meeting.

The City of Burlingame is currently working with Urban Field Studio, an urban design consultant, on the future development of Parking Lot E into a Town Square that would complement and coincide with the proposed Post Office redevelopment project. There are 72 existing public parking stalls located in Lot E that would be removed with the development of the Town Square. However, there is a new 5-story City parking structure currently under construction on Lot N, just south of Howard Avenue between Lorton and Highland Avenues. The new parking structure will have 368 parking spaces. In addition, the proposed development at 220 Park Road includes shared parking that would allow 275 of the parking spaces across the two levels of below grade office parking to be used by the public during the evenings and weekends.

Project Summary: The applicant is proposing the redevelopment and restoration of portions of the existing Post Office building and construction of a new 6-story office project with ground floor retail and/or restaurants and two levels of underground parking at 220 Park Road, zoned HMU (Howard Mixed Use).

The project would include the restoration and reactivation of portions of the historic Post Office building for use as retail and/or restaurant space and new retail/restaurant spaces along the Lorton Avenue frontage, for a total of 12,402 SF of retail use on the ground floor, of which 4,840 SF would be existing square footage retained by reusing portions of the historic Post Office. The proposal includes the construction of five floors above totaling 139,938 SF to be used as office space. The gross square footage of the retained/restored portion of the Post Office and the new retail and office space would total 179,458 SF. The overall height would be approximately 98'-6" to the top of the roof screening, and 101'-0" to the top of the rooftop equipment/penthouses. The project

entitlement package includes a Historic Variance request for the proposed building height, which is 43'-6" taller than the maximum allowed height of 55'-0" set by the Downtown Specific Plan and Howard Mixed Use Zoning District.

The entitlement application also includes a request for a Historic Variance under Title 21 for a shortfall of 187 parking spaces as a result of a reduced parking ratio for office use to 1 parking space per 500 square feet, where Code Section 25.70.040 requires 1 parking space per 300 square feet of office. The project would provide a total of 280 on-site parking spaces located in two levels of below grade parking, where 467 spaces would be required under current code parking requirements, a deficit of 187 parking spaces.

The mixed use office building would total 179,458 SF which consists of retail and office uses, lobby areas, storage and mechanical rooms in the basement, vehicle entrance areas into the two levels of below garage parking, and enclosed stairways and elevators. The proposed building would include retention of 4,840 SF of the existing historic Post Office building that would be utilized as retail and/or restaurant uses, with an additional 7,562 SF of new retail square footage on the ground floor along Lorton Avenue. Code Section 25.70.090 (a) exempts retail, personal service, food establishment, and commercial recreation uses located on the first floor within the parking sector Downtown from providing off-street parking, therefore no additional parking would be required for the added retail and/or restaurant space.

The HMU District Regulations allow both retail and personal services as permitted uses (Code Section 25.33.020 (a) and (b)) and restaurants are a conditional use (Code Section 25.33.030 (c)). While these uses are anticipated, the end users of the proposed ground floor space(s) is yet to be determined. If a restaurant use is proposed within the ground floor space, then an application for a Conditional Use Permit would be required to be submitted at that time. Office use is permitted above the ground floor in the HMU zone (Code Section 25.33.020 (i) (1)). Tenants for the office spaces have not yet been determined.

Two levels of below grade parking are proposed to accommodate the proposed office use. There would be a total of 280 on-site parking spaces provided. There would be a 48' by 150' portion of both parking levels that would extend beyond the property line on the north side, underneath the City property (currently Parking Lot E) below the future public plaza. The entitlements include a request for an underground easement with the City for this encroachment (7,200 SF on each level) which totals 14,400 SF which would contain a total of 32 parking spaces. In exchange, the proposal includes the option to allow 275 of the 280 parking spaces to be made available for public use in the evenings and weekends, when the office use would likely not be in operation. Five of the parking spaces would remain reserved for the building manager and tenants that may need access the office on evenings and weekends. Access to the below grade parking would be through a two-way driveway on Lorton Avenue.

The demolition and construction of the proposed project would take approximately three years. There would be eight construction phases, some of which may occur at the same time or overlap. Construction hours would generally be 8:00 a.m. to 5:00 p.m. Monday through Friday, with occasional work in the evenings or on weekends or outside of the City's standards construction hours, which are 8:00 a.m. to 7:00 p.m. weekdays 9:00 a.m. to 6:00 p.m. on Saturdays, with no construction allowed on Sundays and holidays. However, a formal request would be required to be granted per City regulations for construction outside of the permitted construction hours. Typical equipment that would be used during construction of this project would include excavators, water trucks, street sweepers, loaders, compactors, and skip loaders. While piles would be installed, they would be drilled, not driven, and would include 10 to 15 days of work during the excavation and shoring phase. City Parking Lot E would be used for construction staging. It is anticipated that the maximum number of construction workers on-site would be 100 per day.

In order to protect the historic portions of the Post Office from damage during construction activities, specifically during excavation and construction of the below-grade garage levels, portions of the historic Post

Office building would be temporarily relocated, moved and stored on City Parking Lot E and also to a portion of Park Road. These portions of the building would be returned to their historic location and orientation following completion of the underground parking garage and grade-equivalent concrete deck above the underground parking. Specifications related to the treatment of each of the character defining features, both inside and outside, during construction is detailed in the attached Secretary of the Interior's Standards, dated November 9, 2020 as well as in the CEQA 18183 checklist.

Construction excavation would extend approximately 25 feet below grade for the two levels of parking. It is anticipated that this phase would produce approximately 60,000 cubic yards of excavated material. This would generate approximately 5,500 truck trips over 50 days for soil disposal. In addition, site demolition would result in 60 loads over five days; and the import of the aggregate base would result in 15 loads over four days.

The following applications are required for this project:

- Environmental Review (CEQA Section 15183);
- Commercial Design Review for a new, six-story mixed use office building (retail and office) (Code Sections 25.57.010 (c) and 25.33.020);
- Historic Variance (Title 21) for Building Height, 98'-6" proposed where 55' is the maximum allowed (Code Section 21.04.120 (a)(3)(B)(i));
- Historic Variance (Title 21) for Parking for 187 parking spaces; 280 on-site parking spaces provided (1:500 SF ratio for office) where 467 parking spaces are required (1:300 SF ratio for office) (Code Section 21.04.120 (a)(3)(B)(i)); and
- Parking Easement (below grade under Lot E) for encroachment beyond property line on City Parking Lot E

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220 Park Road

Lot Area: 1.26 acres (54,956 SF)

Plans date stamped: October 16, 2020

	PROPOSED	ALLOWED/REQUIRED
Use:	Retail/Restaurant ¹ on ground floor (retail business not determined) (12,402 SF) Office on upper five floors ² (139,938 SF)	Permitted Uses: Retail uses and office uses above the ground floor Conditional Uses: Food Establishments
SETBACKS		
PARK RD Front (Pkrq level 1): (Pkrq level 2): (Ground flr): (2nd flr): (3rd flr): (4th flr): (5th flr): (6th flr):	3'-9" 3'-9" 32'-0" (E) & 56'-9" (N) ¹ 95'-6" 94'-9" 95'-9" 94'-8" 107'-3"	0'-0" 0'-0" Minimum of 60% of first flr of structure @ property line- 150' x 60% = 90' 0'-0" 0'-0" 0'-0" 0'-0" 0'-0"
Left Side (Pkrq level 1): (Pkrq level 2): (Ground flr): (2nd flr): (3rd flr): (4th flr): (5th flr): (6th flr):	46'-3" beyond PL onto City Pking Lot E (front portion) & 23'-7" rear portion 46'-3" beyond PL onto City Pking Lot E (front portion) & 23'-7" rear portion 16'-3" (E) & 23'-4" (N) 34'-11" (front portion) & 22'-4" (rear portion) 34'-11" (front portion) & 22'-4" (rear portion) 36'-0" (front portion) & 23'-4" (rear portion) 36'-0" (front portion) & 23'-0" (rear portion) 35'-0" (front portion) & 22'-4" (rear portion)	0'-0" 0'-0" 0'-0" 0'-0" 0'-0" 0'-0" 0'-0" 0'-0"
Right Side (Pkrq level 1): (Pkrq level 2): (Ground flr): (2nd flr): (3rd flr): (4th flr): (5th flr): (6th flr):	3'-1" 3'-1" 0'-6" 2'-7" 2'-7" 2'-10" 2'-10" 2'-7"	0'-0" 0'-0" 0'-0" 0'-0" 0'-0" 0'-0" 0'-0" 0'-0"
LORTON AVE Rear (Pkrq level 1): (Pkrq level 2):	8'-8" 8'-8"	0'-0" 0'-0"

	PROPOSED	ALLOWED/REQUIRED
(Ground flr):	8'-0"	0'-0"
(2nd flr):	8'-0"	0'-0"
(3rd flr):	7'-0"	0'-0"
(4th flr):	22'-0"	0'-0"
(5th flr):	22'-0"	0'-0"
(6th flr):	21'-0"	0'-0"
BUILDING ENVELOPE:		
Ground Floor Ceiling Height:	15'-0"	15'-0"
Building Height:	98'-6" ²	55'-0" (Historic Variance for height requested; exceeds max height by 43'-6")
Lot Coverage:	39,520 SF 72%	No regulations - informational only
Floor Area Ratio (FAR):	179,458 SF 3.26 FAR	No regulations – informational only
OFF-STREET PARKING		
Off-Street Parking:	280 spaces proposed in two levels of below grade parking (deficit of 187 spaces) ³ & ⁴	Office – 1 space per 300 GSF Retail - exempt Office: 139,887SF/300 GSF Total = 467 spaces
Driveway Width:	9'-9" ingress / 9' – 9" egress driveway width	Parking areas with not more than 30 vehicle spaces shall have a minimum driveway width of 12'-0"

¹ HMU zone - C.S. 25.33.030 (c) requires a Conditional Use Permit for a food establishment - approval is not included in these entitlements; to be reviewed by the Planning Commission upon future submittal.

² Historic Variance for Height – 98'-6" proposed where 55'-0" is the maximum allowed.

³ Parking Easement requested for encroachment of 14,400 SF (48' x 150'= 7,200 SF on each level for 32 spaces) beyond property line on City Parking Lot E (APN# 029-204-230); shared parking proposed for public use of 275 of the 280 on-site parking spaces on weekday evenings and on weekends.

⁴ Historic Parking Variance Request for 187 parking spaces - 280 on-site parking spaces (1:500 SF office) provided where 467 spaces (1:300 SF) are required.

Staff Comments: Comments from the Building, Engineering, Fire, Parks, and Stormwater Divisions are attached.

Public Comment Letters: Three letters from members of the public have been received and are included as attachments.

July 13, 2020 Study Meeting: On July 13, 2020 the Planning Commission held a design review study meeting for the proposed project. On balance the project was very well received. A brief summary is provided below:

- The success of the project is going to be in the seam areas. We would miss an opportunity if that raised patio area to the side of the post office became a flat wall with landscaping on the downward side. There's an opportunity with the steps coming around and the steps coming from that patio down to the town square becoming a place in and of itself. Those spaces are critical.
- Appreciate making the public entry to the garage area more than just a door that you come out of a parking garage. It will help people with wayfinding.
- You haven't pushed the public tower far enough, though – the top could be brought down through the tower to the corner. You brought the top down at the center of that façade that may be the wrong place to do it. It seems it should come down at the corner. The corner is not special enough.
- The southeast facade is not doing a great thing for the City. Not sure why the core can't be reworked losing an opportunity there.
- It's easy to ignore the backside of the building, and take care of it in however way you need to, but you give it some special presence on the backside, and really gives it a good human element as you walk down that street.
- Garage entrance or that corner element could be pushed a little bit further and enhanced more.
- The office lobby being a little bit tucked away on that southeast side is a little concerning about how one will find their way there if they're not familiar with this complex and looking for the office entrance. It seems that you want to be drawn to the center and especially where the height of the building is.
- Would like to see that dining terrace somehow have easier access from the public plaza. Aware that there's the main historic flag pole steps on Park Road, as well as the steps over by the garage entry. But somehow there should be some type of approach near the center of this dining terrace to make it more approachable and not make people feel like they have to walk all the way to the ramps to get access.
- Rendering has a monument in the front, it says "Burlingame Center", are you sure you'll work on that? Would love to see something that has some historical relevance to that, or something that is more of a Burlingame style.

The applicant submitted revised plans and a response letter, dated October 16, 2020, to respond to the Planning Commission's comments. The revised plans are primarily the same as those reviewed at the July 13, 2020 study meeting, with some architectural refinements. Most notably the revised proposal includes the office lobby along Park Road being moved approximately 9-feet closer to the street. The southeast façade (Howard Avenue) has been revised with more articulation along with a combination of fire-rated glass windows and glass with shadowboxes behind. In the middle, a vertical mass band has been added. In addition, the central lobby that accesses the parking has added architectural elements and the locations of the stairs and elevator have been swapped. Please refer to the applicant's response letter for a detailed explanation of the changes to the plans since the study meeting.

Historic Background: As noted above, the subject property carries a preservation covenant (covenant) that was part of the sale from the USPS. This covenant is to be overseen by the City of Burlingame or SHPO. The intent of the covenant is to bind future owners with the restoration, maintenance, preservation, or rehabilitation of the historic character-defining features specifically listed in the covenant language; which is in accordance

with the recommended approaches of the Secretary of the Interior's Standards.

The covenant specifies that the Park Road façade is the primary and most significant façade and notes that there may be more flexibility on the Lorton Avenue façade as it is considered secondary. The covenant outlines the historic exterior and interior features that are character defining and should be retained or sensitively treated to meet the requirements of the covenant. The preservation covenant is provided as an attachment for reference. The covenant names the following as exterior character defining features of the building:

- The overall mass and plan of the main (Park Road) façade;
- The poured concrete exterior siding and smooth stucco wall cladding;
- Original metal frame windows;
- Original bronze doors;
- Red clay tile roof;
- Cast stone Art Deco relief sculptures over the main entrances and under the windows; and
- Cast stone relief of a woman over the entrance doors.

The interior features named in the covenant include:

- Original hanging ceiling light fixtures;
- Marble wainscoting, including marble on vestibule walls;
- Metal trim used throughout the interior: including metal grill work on the northwesterly wall of the lobby near the tall tables used by post office patrons (but not including non-metallic grillwork above the service windows);
- Original tall tables used for post office patrons;
- Original service windows;
- Original bronze bulletin board;
- Federal star motifs;
- Terrazzo flooring;
- Original windows and doors to and within lobby;
- Cantilevered service desks;
- Original post office boxes; and
- Original built-in lobby furniture, such as tables.

Page & Turnbull has prepared a document titled "Secretary of The Interior's Standards Analysis" for the proposed project dated November 9, 2020. This document was prepared by architectural historians and provides an assessment of the proposed project's compliance with the preservation covenant, as well as how the project would comply with the Secretary of Interior's Standards. The memo notes that the proposed project retains nearly all of the interior and exterior character-defining features of the historic resource. The main historical façade facing Park Road would be retained, with the proposed six-story office building addition located behind the Post Office wing and lobby, extending to Lorton Avenue. Page & Turnbull note that on both frontages, the new building would have substantial setbacks which are intended to allow for the massing and shape of the historic primary façade to be retained. The memo states that the new office addition has been designed in a contemporary style and with contemporary materials to clearly differentiate the new structure from the historic resource. Please reference the attached November 9, 2020 Page & Turnbull memo for the full historical analysis and how the project complies with the Secretary of The Interior's Standards.

In 2014, the City Council adopted Chapter 21.04 - Historic Resource Preservation, of the Burlingame Municipal Code, which provides rules, standards, and incentives regarding development of historic properties within the Burlingame Downtown Specific Plan area. This code section provides eligible properties a mechanism to utilize incentives for the preservation of historic resources. Title 21 requires the property to be listed on a formal

register of historic resources, such as the National Register, the California Register, or a local register. An eligible property must first apply and be placed on the City of Burlingame Historic Register, however no property has applied for inclusion on this Register until now. On November 2, 2020, the City Council adopted a resolution that officially created the Burlingame Historic Register, and they also clarified the administrative procedures for the Historic Preservation Commission, for which the Planning Commission serves. The proposed project has applied to be included on the Burlingame Historic Register, for which such action will be taken separately from the requested entitlements by the Historic Preservation Commission. This action allows the applicant to apply for variances as a historic resource under Title 21. The requested entitlement application exercises this option as the entitlements requested include two preservation incentives under Title 21, which are essentially variances, one for building height and one for parking.

Commercial Design Review: Commercial Design Review is required for new commercial buildings pursuant to Code Sections 25.33.045 and 25.57.010 (c)(1). Design Review was instituted for commercial projects in 2001 with the adoption of the Commercial Design Guidebook. The project is located within the boundaries of the *Burlingame Downtown Special Plan* and therefore subject to Chapter 5 of the Downtown Specific Plan (Design & Character). Section 5.2 (pages 5-2 through 5-12) provides design guidelines specifically for commercial and mixed use areas within the Downtown Specific Plan area. Section 5.4 (pages 5-22 through 5-27) provides more general design guidelines that apply to all areas of the downtown.

The proposed project includes retention of the historic Post Office lobby and façade along Park Road, as well as the portion that faces (north) Parking Lot E. The addition (new building), is designed in a contemporary style to help differentiate the new five levels of office that would emerge from the historic first floor, while complementing the historic resource through a reference to Art Deco massing and the treatment of windows and spandrel panels that are slightly recessed and vertically grouped. The proposed cladding material of the addition would be primarily precast concrete. The main entrance to the office uses would be located to the right of the Post Office façade, near the southern property line along Park Road. This office entrance would be set back approximately 23 feet from the front façade of the historic building and approximately 58 feet from the property line. This placement of the lobby, with a substantial set back, helps to retain the freestanding quality of the historic Post Office's Park Road façade. To also help retain the historic Park Road face, the new office lobby is clearly differentiated from the Park Road face through its use of a contemporary style with a fully glazed façade set between cast concrete side walls. The full length of the historic lobby on the north side would be retained with its seven bays of fenestration.

On the Park Road façade the upper stories of the proposed office building would set back significantly. The Lorton Avenue portion of the existing Post Office would be demolished. The new office building would have tiers and steps back on each floor in order to provide relief as the structure increases in height to its maximum height of 98'-6". In addition, the new building has been designed to engage with the preserved portions of the Post Office. The building includes balconies at these setbacks to visually activate the vertical plane, as well as to provide outdoor space for the office occupants. Additional setbacks along the Park Road and Lorton Avenue façades create a number of terraces and a variable stacked volume that complements the Art Deco features of the Post Office building and its historic context. Materials on the new building include precast concrete panels, aluminum canopies, brick veneer cladding, and clear vision glass.

The following design review criteria for commercial development projects are outlined in the zoning code:

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.

Storm Drainage Culvert: There is a storm drain box culvert that passes underneath City Parking Lot E as well as the subject property, where it borders the north side property line. The culvert sits approximately 5' inside of the northern property line, limiting development on an approximately 20' wide by 150' long portion of the property. The box culvert is approximately 4' x 19' and serves as critical storm drainage infrastructure that conveys storm water from the entire upper Burlingame Creek watershed through downtown Burlingame. The culvert carries significant storm flows from approximately 900 acres of upstream land from portions of the Town of Hillsborough and the City of Burlingame and extends up to Highway 280 on the west. The potential for upstream and downstream flooding can occur during heavy rain events as the culvert has a 10-year storm event flow capacity of only 450 cubic feet per second (cfs). Currently, there is clean-out located in City Parking Lot E, where sediment is removed annually to prevent back-ups. The applicant is currently in discussions with the Public Works Department about the possibility to relocate this clean-out into the Park Road right-of-way with the development of the public plaza on Parking Lot E. However, it is critical that there is adequate access available to the culvert such that maintenance and repairs can be made when necessary, as any failure of the culvert due to structural or maintenance issues could result in catastrophic flooding in the downtown area and may potentially impact many properties in the upstream drainage basin. Therefore, the Public Works Department supports the proposed project, with the area above the culvert (approximately a 20' by 150' portion of the subject property along the northern property line) remaining unobstructed by any new construction so that access would remain open to the culvert, if necessary.

Building Height: Title 21, the Historic Preservation Ordinance, allows incentives to be made available for properties listed on the Register that undergo maintenance or alteration consistent with the Secretary of the Interior Standards for Rehabilitation. Code Section 21.04.120(a)(3)(B)(i) allows owners of historically designated properties to apply for variances from development standards applicable to the property in instances where the deviation from the standard is warranted in order to preserve the historic character of the property.

The subject property has been determined to be eligible for listing on the National Register of Historic Places (NRHP) and has a historic covenant, and because the subject property has applied for inclusion on the newly established local register, the project is eligible for this benefit to apply for a variance under Title 21. The entitlements requested for the project include utilizing the preservation incentives in Code Section 21.04.120 (a)(3)(B)(i) for height. The maximum building height allowed in the HMU District is 55'-0". As measured from the average top of curb elevation along Lorton Avenue to the top of the roof deck, the proposed six-story building would be 86'-6" in height, however the overall height is considered to be 98'-6". A request for a Historic Variance for building height is being requested by the applicant for an overage of 43'-6" beyond the maximum allowable height of 55'-0" in the HMU District for a height of 98'-6" proposed where 55'-0" is the maximum allowed.

Code Section 25.08.340 specifies that building height is measured from the average top of curb and to the highest edge of a gable, hip or shed roof or top of parapet. The building height limit applies to ninety-five (95) percent of the total roof surface; the remaining five (5) percent may include projections up to ten (10) feet above top of parapet for enclosing elevators, mechanical penthouses, solar structures, antennas or other equipment. As noted above, the proposed height of the building is considered to be 98'-6", as measured to the top of the 12'-0" tall roof screen made of corrugated painted aluminum panels screening the HVAC equipment, elevator overrun and stair penthouse. This is a key element of the overall elevation design and wraps the entire perimeter of the roof as shown on the Roof Plan on sheet A2.9 and sections on sheets A3.3 and A3.4. Because the screening exceeds the allowable 10 feet projection beyond the maximum roof height and is essentially around the entire perimeter of the roof, appearing as a penthouse or additional floor over the office stack, the overall height in this case is being counted to the top of the roof screening, with an overall height of 98'-6".

Title 21 allows owners of designated properties to apply for variances from development standards applicable to the property in instances where the deviation from the standard is warranted in order to preserve the historic character of the property. The property's status as a designated historic resource may be used as a basis for determining whether the property owner is denied privileges enjoyed by other property owners in the vicinity and within the same zoning district.

The applicant has provided variance findings for the requested height of 98'-6"; 43'-6" above the 55' height limit in the HMU District. The findings note that redevelopment of the subject property is constrained by two factors: the historic preservation of portions of the existing Post Office building as detailed in the covenant and also by the stormwater culvert that runs under the northern edge of the property. The variance application findings for height note this project requests flexibility in the site's development standards to account for the lost development area as a result of the historic elements, given that there is approximately 0.32 acres of the site that cannot be built upon because the preservation covenant dictates that the exterior and interior of the main post office lobby, as well as the main exterior entry facing Park Road, must be preserved in accordance with Secretary of Interior standards.

The procedure for requesting approval of a Historic Variance shall be the same as that required for other forms of variances, as specified in Title 25 of the Burlingame Municipal Code (Zoning Ordinance). Therefore, in order to grant a Historic Variance for building height, the Planning Commission must find that the following conditions exist on the property (Code Section 25.54.020 (a-d)):

- (a) There are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to property in the same district;
- (b) The granting of the application is necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship;
- (c) The granting of the application will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare or convenience;
- (d) That the use of the property will be compatible with the aesthetics, mass, bulk and character of existing and potential uses of properties in the general vicinity.

Off-Street Parking/Trip Generation/Transportation Demand Management (TDM) Plan: As detailed above in the height discussion, Title 21, the Historic Preservation Ordinance, Code Section 21.04.120(a)(3)(B)(i) allows owners of historically designated properties to apply for variances from development standards applicable to the property in instances where the deviation from the standard is warranted in order to preserve the historic character of the property. Because the subject property has applied

for inclusion on the newly established local register, the project eligible for this benefit to apply for a variance under Title 21.

The proposed project plans to use the preservation incentives detailed in Code Section 21.04.120(a)(3)(B)(i) for parking as well, with a request for a reduced parking ratio for office. Code Section 25.70.040 requires 1 space per 300 SF for office uses, where the application is proposing a ratio of 1 space per 500 SF. The project site is located within the boundaries of the Downtown Parking Sector of the Burlingame Downtown Specific Plan, which exempts retail, personnel service, food establishments and commercial recreation uses from providing off-street parking. Therefore, the proposed restoration of a portion of the Post Office building and the new retail spaces along Lorton Avenue are not required to provide any off-street parking. However, the proposed five floors of office, totaling 139,938 SF, require a total of 467 on-site parking spaces where 280 on-site spaces are proposed. This results in a deficit of 187 parking spaces.

The parking would be accessed from Lorton Avenue with a 9'-9" wide dedicated inbound driveway and a 9'-9" wide dedicated exit driveway. There would be 16 parking spaces located at-grade, behind the existing Post Office building and new retail space, and two levels of below grade parking with 130 spaces on parking Level 1 and 134 spaces on parking Level 2. There would be a total of 9 accessible-disabled spaces, 17 electric vehicle (EV) spaces, and 12 green vehicle spaces. The project also includes 14 short term bicycle parking spaces, with seven spaces located inside the building on the ground floor and seven spaces (combined) located outside both on Park Road and Lorton Avenue.

A 48' wide by 150' long portion of the two below grade parking levels in the northwestern portion would encroach beyond the property line onto City Parking Lot E. The total square footage is 14,400 SF (7,200 SF on each level). There would be a total of 32 parking spaces within this encroachment area, with 16 parking spaces on Level 1 and 16 parking spaces on Level 2. The application for entitlements includes a request for a parking easement to allow these garage areas/parking spaces to extend beyond the property below grade, under what will be the future public plaza. The details and terms of this agreement are being drafted by the City Attorney's Office and will require City Council approval.

The applicant has also provided variance findings for the requested deficit in parking being sought under Title 21, Historic Variances. The findings note that this request is necessary due to the unique configuration and siting of the historic Post Office building that is required to be preserved, which greatly diminishes the ability to construct parking at grade. They believe that the central downtown location of the subject property, which is less than a quarter mile from the Burlingame Caltrain Station, supports a reduced parking ratio of 2.0 parking spaces per 1,000 square feet of office space (1:500 SF). The applicant also believes that this reduced ratio would be able to support the market-appropriate parking needs. The applicant has provided utilization studies of office buildings in downtown Redwood City that support this parking ratio for actual office uses in operation in downtown, transit-oriented contexts that have been shown to be very different in access to transportation and services in terms of walkability compared to more suburban office locations.

The applicant has retained Fehr & Peers to prepare a Transportation Demand Management Plan (TDM) which is designed to facilitate the reduction of single-occupancy travel to and from the site (see separate attachment). This would help to reduce traffic congestion that may be generated by the anticipated 542 new employees in the downtown area, reduce greenhouse gas emissions and other air pollution, and reduce the demand for parking. Based on the transportation impact analysis prepared by Hexagon Transportation Consultants, Inc. (Appendix D of the CEQA document), the project is anticipated to generate 1,513 net new daily trips and the goal of the TDM plan is to achieve a 20 percent trip reduction, consistent with the City of Burlingame's Climate Action Plan. Some of the key elements of the TDM plan would include:

- Preferential Carpool/Vanpool Parking: Designated parking spots can encourage employees to carpool to work;

- Secure Bicycle Parking: Secure bicycle storage for employees who bike to work provide employees with a reliable location to park their bikes that is protected from weather and theft;
- Showers and Lockers: Showers and lockers provided to encourage employees to commute by bicycling; and
- Bicycle Repair Station: Provision of a repair station with bicycle stand and tools for tire changes and other minor repairs, either in a publicly-accessible location such as the adjacent park, or in the secure bike room facilitate bike commutes.

Because the applicant does not have a specific tenant(s) at this time, there are additional measures that can be taken by individual tenants, when determined, to reduce drive alone trips. These would be implemented through initiatives that cater to each individual company's employee base. These other measures that could be implemented by future tenants include:

- A Transportation Manager/Commute Marketing Program;
- Employee surveys;
- Guaranteed ride-home program;
- Parking cash-out subsidies/pre-tax commuter benefits (subsidized transit passes, bicycling subsidies, carshare subsidies, and/or carpool/vanpool subsidies);
- Fleet of bicycles; and
- Ridesharing partnership & ride-matching program; and flexible working schedules.

The TDM will require regular monitoring and reporting to ensure that tenants are in compliance with C/CAG and City of Burlingame standards for trip reductions. Annual monitoring provides an opportunity for tenants to assess the success of their TDM programs and to make adjustments or revisions as needed to achieve their TDM reduction goal, and this is included as a condition of approval that would apply to all future tenants.

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 proposed office portion of the building is not exempt from providing off-street parking, and is deficient by 187 spaces. The parking in-lieu fees are not proposed to be collected for the balance of spaces required for the proposed project, but instead as part of this parking variance request, the applicant is offering to make 275 of the 280 on-site spaces available for public use during non-office hours in the evenings and on weekends. The terms of this shared parking will be explicitly detailed in the development agreement that will be reviewed and approved by the City Council.

Street Trees: Five, new 36-inch box size London plane street trees would be planted in front of the site along Lorton Avenue. Three, new 24-inch box size Red Maple street trees would be planted along the Park Road frontage. In addition various trees and shrubs would be added around the project site.

General Plan/Specific Plan/Zoning: The *Burlingame General Plan* designates this site under the *Burlingame Downtown Specific Plan*. In 2010 the City Council adopted the *Burlingame Downtown Specific Plan* (amended in 2011), which serves as an element of the General Plan. The subject property is located within the boundaries of the planning area for the Downtown Specific Plan, specifically in the Howard Avenue Mixed Use District, which is described as follows:

The Howard Avenue Area is the area to the south of Burlingame Avenue and consists of a mix of uses, including retail and office along Howard Avenue, and multifamily residential uses between Howard and Peninsula Avenues. Burlingame Avenue and Howard Avenue together form the "Burlingame commercial" area. Ground floor retail use is encouraged, and housing is allowed on the upper levels above commercial uses. The interceding side streets--Lorton Avenue, Park Road,

Primrose Road and Highland Avenue--will act as connector streets with the commercial uses along those streets strengthening the relationship between Burlingame Avenue and Howard Avenue.

The Downtown Specific Plan includes various Goals and Policies to guide growth and development in Downtown Burlingame. The table below shows how the proposed project meets these Goals and Policies.

GOAL/POLICY	PROJECT PROPOSED
Policy LU-1.1: Strengthen and enhance retail uses on side streets between Burlingame Avenue and Howard Avenue to create an expanded active retail area and enhance pedestrian activity.	Mixed office building proposed (retail and office) on Park Road through to Lorton Avenue, between Burlingame Avenue and Howard Avenue. Provides strengthening of expanded retail activity to enhance pedestrian activity.
Policy LU-5.2: Promote public/private partnerships for redevelopment of City-owned properties.	While the proposed use is a private development, the creation of a public plaza on City Parking Lot E in conjunction with the proposed project will help revitalize this central area of Downtown Burlingame.
Policy P-1.1: Encourage the use of “alternative” vehicle types with ample bicycle parking and free parking for electric cars.	Bicycle storage provided along Park Road and Lorton Avenue, as well as inside of the building.
Policy P-1.2: Devote less land for parking Downtown while accommodating increased demand by using the land more efficiently with decked or underground parking.	There are two below grade parking levels proposed.
Policy P-1.3: Conceal parking areas through the use of attractively designed above- or below-ground parking structures.	Ground level parking is concealed behind retail space and lobby.
Policy P-1.4: Provide incentives for joint ventures between the City and developers for new development that includes public parking facilities.	275 of the 280 off-street parking spaces for the proposed office development would also be made available to be utilized by the public during the evenings and on weekends.
<p>Policy P-3.2: Ensure downtown parking is conveniently located.</p> <p>Policy P-4.1: Downtown parking requirements should promote more efficient use of land. For example, consider shared parking, proximity to transit, and walking distance.</p> <p>Policy P-5.2: Construct well-designed parking garages in central locations.</p>	The loss of the 72 public parking spaces in City Parking Lot E, (adjacent to the project site) as a result of the development of a public plaza would be offset by additional spaces in the project for a total of 275 centrally located below grade spaces that are available for public parking downtown in the evenings and weekends when the offices at 220 Park Road are closed.
Policy C-2.6: Consider the needs of pedestrian, bicycles, and people with disabilities.	Building contains an elevator and a disable-accessible parking space is provided on-site. In addition the existing ramp along Park Road would be reconstructed to meet current standards.

GOAL/POLICY	PROJECT PROPOSED
<p>Policy S-1.3: Streetscapes should reflect Burlingame’s destination as a “tree city.” Trees should be planted throughout the downtown as an integral part of the streetscape, and mature streets trees should be persevered whenever possible.</p>	<p>Five new 36-inch box size London plane street trees would be planted in front of the site along Lorton Avenue. Three new 24-inch box size Red Maple street trees would be planted along the Park Road frontage. In addition various trees and shrubs would be added around the project site.</p>
<p>Policy D-1.1: Ensure that new construction fits into the context and scale of the existing downtown.</p>	<p>The proposed building has been designed to meet the historic covenant on the post office building as well as to be compatible with existing buildings downtown.</p>
<p>Policy D-1.2: Require design review for all new downtown buildings and for changes to existing downtown buildings, and integrate historic review into the design review process.</p>	<p>Proposed building is subject to Design Review; design of the proposed building has been done to in compliance with the historic covenant and to respect the historic post office building. The office does not try to mimic the post office art deco architecture, but has been designed in a contemporary style with contemporary materials to clearly differentiate the new structure from the historic resource. The new massing has setbacks and articulation to complement the design and historical context of the former Burlingame Main Post Office.</p>
<p>Policy D-4.1: Encourage buildings to be built out to the sidewalk, with doors and windows facing the sidewalk to create a lively pedestrian environment.</p>	<p>Building is built out to the sidewalk with doors and windows facing the sidewalk.</p>

Public Facilities Impact Fee: The purpose of the public facilities impact fee 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 mixed use office building (retail and office) with a credit applied to existing uses, the required public facilities impact fee for this development project is **\$1,415,974.00**. This fee is required to be paid in full prior to final inspection or the date the certificate of occupancy is issued, whichever occurs first.

Commercial Linkage Fee: The purpose of commercial linkage fee is to:

- (a) Encourage the development and availability of housing affordable to a broad range of households with varying income levels within the City as mandated by State law, California Government Code Section 65580 and following.
- (b) Offset the demand for affordable housing that is created by new development and mitigate environmental and other impacts that accompany new commercial development by protecting the economic diversity of the City’s housing stock; reducing traffic, transit and related air quality impacts;

promoting jobs/housing balance; and reducing the demands placed on transportation infrastructure in the region.

- (c) Promote the City's policy to provide an adequate number of affordable housing units to the City's housing stock in proportion to the existing or projected need in the community, as identified by the Housing Element.
- (d) Support the Housing Element goal of providing housing opportunities for those who work in Burlingame.
- (e) Support the Housing Element goal of achieving increased affordability of housing.
- (f) Support the Housing Element policy of developing of a variety of housing types that are affordable to very low and extremely low income households.
- (g) Support the Housing Element goal of preserving residential character by encouraging maintenance, improvement and rehabilitation of the City's neighborhoods and housing stock.

Based on the proposed mixed use retail/office building, the required commercial linkage fee for this development project is **\$3,449,408.00**. The commercial linkage fee shall be paid in full prior to the issuance of the first building permit for the commercial development project. Per Ordinance 1943, this fee shall be calculated based on the fee schedule in effect at the time the building permit is issued and therefore may change from the above estimated depending upon when the building permit is issued.

Lot E Town Square/Public Plaza: Concurrent with the proposal for the 220 Park Road, the City is pursuing the design and development of a town square/community open space on the adjacent City-owned Parking Lot E.

A "signature open space" was a key element of the Downtown Specific Plan, envisioned to be in the heart of Downtown in the vicinity of the former Post Office. Previous development proposals had combined the City's parking lot and the Post Office property into a single development site to be developed jointly; the direction going forward will be to coordinate the two efforts so they are complementary, but they will not necessarily be combined together into a single development project.

The City has engaged the urban design firm Urban Field Studio to work with the community to develop conceptual design options for a public plaza on Parking Lot E. To date, this work has focused on coordination between the development project and Town Square to ensure the projects can be aligned and will be complementary to each other. Urban Field Studio, in coordination with City Staff, held a (virtual) community outreach meeting to gather public input on ideas for the Town Square on November 18, 2020. In addition, there is a dedicated project page for the Town Square with a community survey. The Town Square is still in the early phase of development and the design has not yet been determined. A study session to discuss the Town Square is anticipated with the Planning Commission, as well as the Parks & Recreation Commission, prior to final approval by the City Council.

Design Review Criteria: The criteria for Commercial Design Review as established in Ordinance No. 1652 adopted by the Council on April 16, 2001 are outlined as follows:

1. Support of the pattern of diverse architectural styles that characterize the city's commercial areas;
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;

3. On visually prominent and gateway sites, whether the design fits the site and is compatible with the surrounding development;
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;
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 structure 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.

Suggested Findings for Design Review: The project may be found to be compatible with the requirements of the City's five design review criteria based on the following:

- that the proposal consisting of a variety of materials such as cast stone panels, brick veneer, stone concrete trim with a painted aluminum canopy and vision glass window wall system, in a contemporary style that would differentiate the new construction from the historic portion of the Post Office that is being retained will complement the downtown urban fabric and is consistent with the pattern of diverse architectural styles that characterize the city's commercial areas;
- that the proposed storefront, consisting primarily of an aluminum and glass system recessed at various points along the building façade and a metal canopy at the main entry to the building, and concealing the parking garage by locating it below grade and placing the vehicle entry to the garage at the rear of the building, promotes pedestrian activity by allowing views directly into the retail business; that the proposed project respects the promotion of pedestrian activity by placement of buildings to maximize commercial use of the street frontage with the creation of new retail and restaurant uses that would be located adjacent to the newly expanded sidewalk on Lorton Avenue and would provide a direct interface with pedestrians; the design provides off-street public spaces with a promenade that would provide public space from Park Road directly through to Lorton Avenue (independent of the proposed town square); and the parking would not dominate street frontages as it would be located below grade and would also be available for public use in the evenings and on weekends;
- that the subject property is a center piece of the downtown area and is visually prominent, and while it would be significantly over the 55-foot height limit, at 98'-6", the design fits the site and is compatible with the surrounding development in that the architecture steps back and pays homage to the Post Office with a variety of terraces and stacked volume that work to respect the surrounding subordinate structures, in addition the proposed building is consistent with the architectural style and mass and bulk with other structures by using a variety of materials including precast concrete, brick veneer, ceramic tile and painted aluminum;
- that the site features such as landscaping, with five new street trees along Lorton Avenue and three new street trees along Park Road, as well as pedestrian circulation that will be provided with a through promenade from Park Road to Lorton Avenue will enrich the existing opportunities of the commercial neighborhood; and
- that the proposal is consistent with the design guidelines established in Chapter 5 of the Downtown Specific Plan (Design & Character).

Required Findings for a Historic Variance: The findings for approval of an Historic Variance are the same as that required for other forms of variances, as specified in Code Section 25.54.020. The property's status as a designated historic resource may be used as a basis for determining whether the property owner is denied privileges enjoyed by other property owners in the vicinity and within the same zoning district. In order to grant a Variance the Planning Commission must find that the following conditions exist on the property (Code Section 25.54.020 a-d):

- (a) there are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to property in the same district;
- (b) the granting of the application is necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship;
- (c) the granting of the application will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare or convenience; and
- (d) that the use of the property will be compatible with the aesthetics, mass, bulk and character of existing and potential uses of properties in the general vicinity.

Suggested Findings (Historic Variance (Title 21) for Parking): That the parking reduction is appropriate to account for the obstacle of building around a historic building (Post Office); that the site is constrained by the required preservation of portions of the historic building under the Preservation Covenant as well as the underground box culvert that passes through the property, which diminish the ability to construct parking at grade given the dimensional constraints with the retention of the building and the code required aisle and parking space dimensions, therefore the granting of the Parking Variance is necessary for the preservation and enjoyment of a substantial property right and to prevent unreasonable property loss or unnecessary hardship; that the granting of the Parking Variance will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare or convenience because the proposed ratio of 1 parking space per 500 square feet is appropriate given the location of the project in a downtown area near services and high quality public transit and the project includes a TDM plan to support alternative modes of transportation. For these reasons, the proposed project may be found to be compatible with the Variance criteria.

Suggested Findings (Historic Variance (Title 21) for Height): That since the proposal meets the Goals and Policies of the Downtown Specific Plan to guide growth and development in Downtown Burlingame, the use will be in compliance with the General Plan for the area; and that conditions of approval have been suggested for consideration to assure that the proposal is compatible with the aesthetics, mass, bulk and character of existing and potential uses on adjoining properties in the general vicinity; that the physical location of the historic Post Office building along with the underground box culvert that passes through the property precludes portions of the property from being built upon and therefore is tantamount to exceptional or extraordinary circumstances or conditions applicable to the subject property involved that does not apply generally to other properties in the same district and therefore justifies the requested Height Variance of 43'-6" over the 55'-0" height limit with an overall height of 98'-6"; that an equivalent property in the HMU District could support the code complying construction of an approximately 220,000 SF building based on the applicant's example scenario therefore, the additional height requested, 43'-6" to allow a maximum height of 98'-6" where 55' is the maximum in the HMU District is necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship. For these reasons, the proposed project may be found to be compatible with the Variance criteria.

Planning Commission Action: The Planning Commission should conduct a public hearing on the application and consider public testimony and the analysis contained within the staff report. Affirmative action should be taken separately by resolution and include findings supporting the Planning Commission's decision. The reasons for any action should be stated clearly for the record.

1. Environmental Review – CEQA Section 15183
2. Commercial Design Review);
3. Historic Variance (Title 21) for Height;
4. Historic Variance (Title 21) for Parking; and
5. Parking Easement (below grade under Lot E).

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 October 16, 2020, sheets A0.1 through A3.5, sheets I-001 through I-601, sheets C1.00 through C4.00;
2. 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 City Council; 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;
3. that any changes to the size or envelope of the building, which would include expanding the footprint or floor area of the structure, replacing or relocating windows or changing the roof height or pitch, shall be subject to Planning Commission review (FYI or amendment to be determined by Planning staff);
4. that the project shall include the Transportation Demand Management Measures as proposed in the Transportation Demand Management (TDM) Plan, prepared by Fehr & Peers, dated November 5, 2020;
5. that a TDM annual report shall be prepared by a qualified professional and submitted to the City of Burlingame annually; with the initial, or baseline, commute survey report to be conducted and submitted one (1) year after the granting of a certificate of occupancy for 75 percent or more of the project and annually after that;
6. that the TDM annual report shall provide information about the level of alternative mode-uses and in the event a 20 percent reduction in trip generation compared to the standard rate estimated by the Institute of Transportation Engineers (ITE) Trip Generation Manual (10th Edition) is not achieved, the report shall explain how and why the goal has not been reached; in such a circumstance the annual report shall identify a work plan, to be approved by the City of Burlingame, which describes additional or alternative measures for implementation that would be necessary to enhance the TDM program to attain the TDM goal of 20 percent reduction in trip generation;
7. that the City may consider whether the employer/tenant has made a good faith effort to meet the TDM goals and may allow the owner a six-month "grace period" to implement additional TDM measures to achieve the 20 percent vehicle trip reduction;

8. that prior to the issuance of building permits, a covenant agreement shall be recorded office with the San Mateo County Assessor and Recorder's Office to provide constructive notice to all future owners of the property of any ongoing programmatic requirements that discloses the required Transportation Demand Management (TDM) provisions and any conditions of approval related herein to compliance and reporting for the TDM;
9. that prior to issuance of a building permit for the project, the project applicant shall pay in full the commercial linkage fee estimated to be \$3,449,408.00, as of the entitlement approval hearing on November 23, 2020; however this fee shall be calculated based on the fee schedule in effect at the time the building permit is issued and therefore may change from the above estimated depending upon when the building permit is issued;
10. that prior to final inspection or the date the certificate of occupancy is issued, whichever occurs first, the project applicant shall pay the Public Impact Fees in the amount of \$ 1,415,974.00 in full, payable to the City of Burlingame and submitted to the Planning Division;
11. that the conditions of the Building Division's April 17, 2020 memo, the Stormwater Division's April 13, 2020 memo, the Park's Division's April 21, 2020 and July 7, 2020 memos, Fire Division's May 5, 2020 and August 11, 2020 memos and the Public-Works Engineering Division's April 23, 2020 and June 29, 2020 memos related to the building permit submittal shall be met;
12. that the project shall be constructed in accordance with the July 14, 2020 "Request for Alternate Materials or Methods of Construction" agreement between the applicant (The Fire Consultants Inc. Brian Gagnon, PE for Andrew Turco, Sares Regis or any future owner) and Central County Fire Department which requires the following:
 - a. The fire sprinkler system shall be equipped with quick response sprinkler heads throughout the garage levels;
 - b. The fire command center shall be a minimum of 144 square feet, with a minimum dimensions of 10 feet;
 - c. Standpipe outlets shall be located immediately outside the stairwell doors on the roof level. All other standpipe outlets shall be located at the intermediate stairwell landing within each stairwell.
13. that a 15-foot long painted red curb should be provided adjacent to the project driveway on Lorton Avenue to comply with Caltrans sight distance requirements. Appropriate visible warning signs and audible warning signals should also be provided at the parking garage entrance to alert pedestrians and bicyclists of vehicles exiting the garage;
14. 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;
15. that storage of construction materials and equipment on the street or in the public right-of-way shall be prohibited except for portions of the historic Post Office structure that would be temporarily stored as explicitly outlined in the development agreement, which would allow the Post Office building to be temporarily relocated outside of the footprint of the to-be-constructed parking garage to the adjacent site (Lot E) to the northwest and to a portion of the adjacent Park Road right-of-way to the southeast; the preserved portions of the building would then be returned to their historic location and orientation following completion of the underground parking garage and grade-equivalent concrete deck above the underground parking;

16. that the applicant shall prepare a construction staging and traffic control plan for the duration of construction for review and acceptance by the City Engineer prior to the issuance of a building permit; the construction staging plan shall include construction equipment parking, construction employee parking, timing and duration of various phases of construction and construction operations hours; the staging plan shall address public safety and shall ensure that worker's vehicles and construction equipment shall not be parked in public parking areas with exceptions for construction parking along the street frontages of the project site;
17. that the project applicant and its construction contractor(s) shall develop a construction management plan for review and approval by the City of Burlingame. The plan must include at least the following items and requirements to reduce, to the maximum extent feasible, traffic and parking congestion during construction:
 - a. A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes;
 - b. Identification of haul routes for movement of construction vehicles that would minimize impacts on motor vehicular, bicycle and pedestrian traffic, circulation and safety, and specifically to minimize impacts to the greatest extent possible on streets in the project area;
 - c. Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures would occur;
 - d. Provisions for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the project applicant; and
 - e. Designation of a readily available contact person for construction activities who would be responsible for responding to any local complaints regarding traffic or parking. This coordinator would determine the cause of the complaint and, where necessary, would implement reasonable measures to correct the problem.
18. that if construction is done during the wet season (October 1 through April 30), that prior to October 1 the developer shall implement a winterization program to minimize the potential for erosion and polluted runoff by inspecting, maintaining and cleaning all soil erosion and sediment control prior to, during, and immediately after each storm even; stabilizing disturbed soils throughout temporary or permanent seeding, mulching matting, or tarping; rocking unpaved vehicle access to limit dispersion of mud onto public right-of-way; covering/tarping stored construction materials, fuels and other chemicals;
19. that trash enclosures and dumpster areas shall be covered and protected from roof and surface drainage and that if water cannot be diverted from these areas, a self-contained drainage system shall be provided that discharges to an interceptor;
20. that this project shall comply with the state-mandated water conservation program, and a complete Irrigation Water Management and Conservation Plan together with complete landscape and irrigation plans shall be provided at the time of building permit application;
21. that all site catch basins and drainage inlets flowing to the bay shall be stenciled. All catch basins shall be protected during construction to prevent debris from entering;
22. that this proposal shall comply with all the requirements of the Tree Protection and Reforestation Ordinance adopted by the City of Burlingame in 1993 and enforced by the Parks Department; complete landscape and irrigation plans shall be submitted at the time of building permit application and the street trees will be protected during construction as required by the City Arborist;

23. that project approvals shall be conditioned upon installation of an emergency generator to power the sump pump system; and the sump pump shall be redundant in all mechanical and electrical aspects (i.e., dual pumps, controls, level sensors, etc.). Emergency generators shall be housed so that they meet the City's noise requirement;
24. that the project sponsor shall coordinate improvements to the existing sanitary sewer infrastructure with the City Engineer, as required by SCA-21, and upgrade approximately 200 linear feet of the sewer line in Lorton Avenue from a 6-inch vitrified clay pipe to an 8-inch high-density polyethylene pipe;
25. that a Protected Tree Removal Permit shall be required from the City of Burlingame Parks Division to remove any existing protected size trees on the subject property and that the project shall comply with the Tree Protection and Reforestation Ordinance adopted by the City of Burlingame and enforced by the Parks Department; complete landscape and irrigation plans shall be submitted at the time of building permit application and the street trees will be protected during construction as required by the City Arborist;
26. 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;
27. 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;
28. that the applicant shall comply with Ordinance 1503, the City of Burlingame Storm Water Management and Discharge Control Ordinance;
29. that the project shall meet all the requirements of the California Building and Uniform Fire Codes, as amended by the City of Burlingame;
30. that this project shall comply with Ordinance No. 1477, Exterior Illumination Ordinance;
31. that construction access routes shall be limited in order to prevent the tracking of dirt onto the public right-of-way, clean off-site paved areas and sidewalks using dry sweeping methods;

The following conditions shall be met during the Building Inspection process prior to the inspections noted in each condition:

32. that prior to scheduling the foundation inspection a licensed surveyor shall locate the property corners, set the building envelope;
33. that prior to scheduling the framing inspection, the project architect, engineer or other licensed professional shall provide architectural certification that the architectural details such as window locations and bays are built as shown on the approved plans; if there is no licensed professional involved in the project, the property owner or contractor shall provide the certification under penalty of perjury. Certifications shall be submitted to the Building Division;
34. 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;

35. 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 the CEQA 15183 Checklist prepared for the project:

36. that the project sponsor shall ensure that all off-road diesel-powered equipment used during construction is equipped with engines that meet EPA Tier 4 “final” emission standards;
37. that the project sponsor, or contractor, shall implement the following measures to minimize hazards for birds:
- Reduce large areas of transparent or reflective glass;
 - Locate water features, trees, and bird habitat away from building exteriors to reduce reflection;
 - Reduce or eliminate the visibility of landscaped areas behind glass;
 - Turn non-emergency lighting off at night, especially during bird migration season (February–May and August–November);
 - Include window coverings that adequately block light transmission from rooms where interior lighting is used at night and install motion sensors or controls to extinguish lights in unoccupied spaces;
 - Design and/or install lighting fixtures that minimize light pollution, including light trespass, over-illumination, glare, light clutter, and skyglow, and use bird-friendly colors for lighting when possible. The City of San Francisco's *Standards for Bird-safe Buildings*¹ provides an overview of building design and lighting guidelines to minimize bird/building collisions that could be used to guide the Project Sponsor.
38. that the Project Sponsor shall provide acoustical treatments for the proposed emergency generator to ensure that noise levels do not exceed the 60 dBA L_{eq} daytime threshold for mechanical equipment. In addition, the Project Sponsor shall provide acoustical treatments as needed for the proposed HVAC equipment to ensure noise levels do not exceed the nighttime noise limit of 50 dBA L_{eq} at the property line. These limits are in accordance with the noise limitations specified in the City Municipal Code. Any required acoustical treatments can be specified by retaining a qualified acoustical consultant. Treatments may include, but are not limited to:
- Installing stationary equipment as far as possible from offsite noise-sensitive land uses and the property line to reduce noise levels at adjacent parcels;
 - Constructing enclosures around noise-generating mechanical equipment;
 - Placing barriers around the equipment;
 - Using mufflers or silencers on equipment exhaust fans;
 - Orienting or shielding equipment to protect sensitive uses to the greatest extent feasible; and
 - Limiting the testing of emergency generators to daytime hours (7:00 a.m. to 10:00 p.m.)

¹ City and County of San Francisco. 2011. *Standards for Bird-safe Buildings*. San Francisco Planning Department. July 14. Available: http://www.sf-planning.org/ftp/files/publications_reports/bird_safe_bldgs/Standards_for_Bird_Safe_Buildings_7-5-11.pdf. Accessed: September 11, 2020.

39. that prior to the start of construction, a vibration control plan shall be prepared to describe the specific methods that the contractor will use to avoid vibration impacts on the historic Post Office building during removal and temporary relocation, as applicable. The plan shall include a building inspection and conditions report prior to construction, which will determine the need for ongoing monitoring or subsequent inspections. Because of the historic status of the building, the plan shall provide details on how vibration from Project demolition and the operation of heavy equipment near this building at the original and/or the new building site will be addressed. If determined at the temporary site that the potential for damage to the building during construction is high, the temporary location for building storage shall be modified so that vibration from construction will be below the applicable damage threshold for the building;
40. that as construction conditions permit, heavy vibration-producing equipment such as hoe rams, bulldozers, and drill rigs will be located at least 25 feet away from adjacent office buildings. During construction, if this type of equipment is required inside 25 feet, alternative techniques that rely on smaller equipment types shall be used. If the use of heavy equipment is required within 25 feet of buildings and no equipment alternatives are feasible, a designated coordinator shall be responsible for handling and responding to any complaints received during such periods of construction. A reporting program shall be required that documents complaints received, actions taken, and the effectiveness of these actions in resolving disputes;

The following conditions of approval are Standard Conditions of Approval applicable to all project within the Burlingame Downtown Specific Plan Area:

41. that prior to issuance of a demolition, grading, building, or other construction-related permit 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 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;
42. the project sponsor shall implement all appropriate control measures from the most currently adopted air quality plan at the time of project construction;
43. 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.
44. 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.
45. that the project sponsors Shall Provide Adequate Secure Bicycle Parking in the Plan Area at a Minimum Ratio of 1 Bicycle Spot for Every 20 Vehicle Spots;
46. that employers shall post and update information on alternate modes of transportation for the area (i.e. bus/shuttle schedules and stop locations, maps);
47. that long-term parking lots shall provide preferential parking for carpool/vanpool drivers as well as low/no emission vehicles;
48. 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;
49. 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;
50. that prior to issuance of a demolition, grading, or other construction-related permit, all development proposals in the Downtown Specific Plan Area that require a traffic study shall evaluate trip contribution to the California Drive/Lorton Avenue intersection. For projects that are determined to contribute trips to the California Drive/Lorton Avenue intersection, condition of approval #51 shall apply;
51. that prior to issuance of a demolition, grading, building, or other construction-related permit, in order to fund the installation of a new traffic signal, the City of Burlingame shall collect a fair share fee from each project sponsor identified under condition of approval #50. The fair share fee shall be determined in consultation with the City Engineer;
52. that prior to issuance of a demolition, grading, building, or other construction-related permit, where avoidance of regulated wetlands and waters is not feasible, and before any construction activities are

initiated in jurisdictional areas, the City shall consult with USACE, RWQCB, and CDFG to determine if permits would be required for construction activities. If deemed necessary, the following permits shall be obtained, as applicable to the activities in question.

- CWA Section 404 permit from the USACE.
- CWA Section 401 water quality certification from the RWQCB.
- CDFG Section 1602 streambed alteration agreement from CDFG.

Copies of these permits shall be provided to the contractor, along with the construction specifications. The project sponsor shall be responsible for complying with all of the conditions set forth in these permits, including any financial responsibilities;

53. 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;
54. 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;
55. 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.

56. 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;
57. 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.
58. 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.
59. 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;
60. 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
61. 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.

The following conditions of approval are from applicable policies of the 2040 General Plan or the Environmental Impact Report prepared for the 2040 General Plan:

62. **Policy HP-3:12: Project-Specific Construction Best Practices.** The Project sponsor shall ensure implementation of the following BMPs during Project construction, in accordance with the BAAQMD's standard requirements:
- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, unpaved access roads) shall be watered two times per day.
 - All haul trucks transporting soil, sand, or other loose material offsite shall be covered.
 - 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-power sweeping shall be prohibited.
 - All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - All roadways, driveways, and sidewalks that are to be paved shall be paved as soon as possible. Building pads shall be laid as soon as possible after grading, unless seeding or soil binders are used.
 - Idling times shall be minimized, either by shutting equipment off 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 California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
 - 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.
 - A publicly visible sign with the name and telephone number of the person to contact at the lead agency regarding dust complaints shall be posted. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.
63. **PSM-CUL-1: Undiscovered Archaeological Resources.** A qualified archaeologist shall conduct a pre-construction archaeological sensitivity training session for the excavation crew. This training will include an overview of what cultural resources are and provide information regarding why such resources are important, archaeological terms (such as site, feature, deposit), project site history, the types of cultural resources that are likely to be uncovered during excavation, the laws that protect cultural resources, and the protocol for unanticipated discoveries (see below). An "Alert Sheet" shall be posted in conspicuous locations on the project site to alert personnel to the procedures and protocols to follow after discovery of potentially significant precontact archaeological resources.

64. **PSM-CUL-1: Undiscovered Archaeological Resources.** In the event that archaeological resources are encountered during construction, work shall be halted within 100 feet of the discovery and the area avoided until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations. If the find is determined to be potentially significant, the archaeologist, in consultation with the Native American representative, shall develop a treatment plan, which could include site avoidance, capping, or data recovery.
65. **PSM-CUL-1: Undiscovered Archaeological Resources.** If human remains are unearthed during construction, pursuant to Section 50977.98 of the Public Resources Code and Section 7050.5 of the State Health and Safety Code, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains. The county coroner shall be informed to evaluate the nature of the remains. If the remains are determined to be of Native American in origin, the lead agency shall work with the NAHC and the applicant to develop an agreement for treating or disposing of the human remains.
66. **PSM-CUL-1: Undiscovered Archaeological Resources.** If archaeological resources are identified, a final report summarizing the discovery of cultural materials shall be submitted to the City's Community Development Director prior to issuance of building permits. This report shall contain a description of the mitigation program that was implemented and its results, including a description of the monitoring and testing program, a list of the resources found and conclusion, and a description of the disposition/curation of the resources.
67. **CS-4.10: Project-Specific Construction Noise Control Measures.** To reduce construction noise impacts, the project contractor(s) shall implement the following actions:
- In compliance with Chapter 18.07.110 of the Municipal Code, construction activities, including truck traffic coming to and from the construction site for any purpose, shall be limited to the hours of 8:00 a.m. to 7:00 p.m., Monday to Friday, and 9:00 a.m. to 6:00 p.m. on Saturdays, unless permission is granted with a development permit or other planning approval.
 - Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
 - Avoid the use of circular saws, miter/chop saws, and radial arm saws near the adjoining noise-sensitive receptors. Where feasible, shield saws with a solid screen with material having a minimum surface density of 2 pounds per square foot (e.g., such as 0.74 inch plywood).
 - Unnecessary idling of internal combustion engines shall be strictly prohibited.
 - Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
 - Maintain smooth vehicle pathways for trucks and equipment accessing the site and avoid local residential neighborhoods as much as possible.
 - During final grading, substitute graders for bulldozers, where feasible. Wheeled heavy equipment are quieter than track equipment and should be used where feasible.
 - During interior construction, locate noise-generating equipment within the building to break the line-of-sight to the adjoining receptors.
 - The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.
 - Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g. bad muffler, etc.) and will require that reasonable measures be

implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

68. **Policy CS-4.12: Project-Specific Vibration Control Measures.** To reduce construction vibration impacts, the project contractor(s) shall implement the following actions:

- A list of all heavy construction equipment to be used for the proposed project known to produce high vibration levels (tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.) shall be submitted to the City of Burlingame by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort for reducing vibration levels below the thresholds.
- Operating equipment on the construction site shall be placed as far as possible from vibration-sensitive receptors.
- Smaller equipment shall be used where possible to minimize vibration levels below the limits.
- Vibratory rollers and tampers shall not be used within 20 feet of abutting buildings.
- Demolition methods not involving impact tools shall be used.
- Alternative construction methods to reduce vibration levels below the limits shall be identified and used.
- Dropping of heavy objects or materials shall be avoided.
- Neighbors within 100 feet of the construction site shall be notified of the construction schedule and that there could be noticeable vibration levels during project construction activities.
- If heavy construction is proposed within 20 feet of abutting buildings, a construction vibration-monitoring plan shall be implemented prior to, during, and after vibration generating construction activities located within these setbacks. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry accepted standard methods. The construction vibration monitoring plan should be implemented to include the following tasks:
 - Performance of a photo survey, elevation survey, and crack monitoring survey for the abutting buildings. Surveys shall be performed prior to and after completion of vibration generating construction activities located within 20 feet of the structure. The surveys shall include internal and external crack monitoring in the structure, settlement, and distress, and shall document the condition of the foundation, walls and other structural elements in the interior and exterior of the structure.
 - Conduct a post-survey on the abutting buildings where either monitoring has indicated high levels or complaints of damage. Make appropriate repairs in accordance with the Secretary of the Interior's Standards where damage has occurred as a result of construction activities.
 - The results of any vibration monitoring shall be summarized and submitted in a report shortly after substantial completion of each phase identified in the project schedule. The report will include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations. An explanation of all events that exceeded vibration limits will be included together with proper documentation supporting any such claims.
 - Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.

69. **HP-5.2: Migratory Birds.** Avoid construction activities that involve tree removal between March and June, unless a bird survey has been conducted to determine that the tree is unused during the breeding season by avian species protected under California Fish and Game Codes 3503, 3503.5, and 3511;
70. **MM 12-1: Paleontological Assessment.** In areas containing middle to late Pleistocene-era sediments where it is unknown if paleontological resources exist, prior to grading an assessment shall be made by a qualified paleontological professional to establish the need for paleontological monitoring. Should paleontological monitoring be required after recommendation by the professional paleontologist and approval by the Community Development Director, paleontological monitoring shall be implemented.

Paleontological Monitoring. A project that requires grading plans and is located in an area of known fossil occurrence or that has been demonstrated to have fossils present in a paleontological field survey or other appropriate assessment shall have all grading monitored by trained paleontological crews working under the direction of a qualified professional, so that fossils exposed during grading can be recovered and preserved.

Should any potentially unique fossils be encountered during development activities, work shall be halted immediately within 50 feet of the discovery, the City of Burlingame Planning Department shall be immediately notified, and a qualified paleontologist shall be retained to determine the significance of the discovery.

Paleontological Recovery, Identification, and Curation. The City and a project applicant shall consider the mitigation recommendations of the qualified paleontologist for any unanticipated discoveries. The City and the project applicant shall consult and agree upon implementation of measures that the City and project applicant deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. The project applicant shall be required to implement any mitigation necessary for the protection of paleontological resources.

Paleontological Findings. Qualified paleontological personnel shall prepare a report of findings (with an itemized appendix of specimens) subsequent to implementation of paleontological recovery, identification, and curation. A preliminary report shall be submitted, subject to approval by the Community Development Director before granting of building permits, and a final report shall be submitted, subject to approval by the Community Development Director before granting of occupancy permits.

Catherine Keylon
Senior Planner

- c. 220 Park – Burlingame LLC, applicant
Burlingame Park LLC, property owner
KSH Architects, project architect

Attachments:

July 13, 2020 Planning Commission Minutes
Applicant's Response Letter, dated October 16, 2020
Application to the Planning Commission
Letter of Explanation
Variance Application – Parking Reduction
 - Redwood City Office Parking Utilization Data/Study Memo
Variance Application – Height
Environmental Information Form
Climate Action Plan (CAP) Consistency Checklist
Historic Preservation Covenant Language
Secretary of the Interior's Standards Analysis, Page & Turnbull, dated November 9, 2020
Email submitted by David Gonzalez, dated July 23, 2020
Email submitted by Steve Pade and Jane Gomery, dated October 16, 2020
Email submitted by Jeff Doss, dated September 17, 2020
Staff Comments
 - Alternate Means of Protection (Fire)
Planning Commission Resolution (Proposed)
Notice of Public Hearing (Planning Commission) – Mailed November 13, 2020
Area Map

Separate Attachments

Initial Study- CEQA Streamlined Checklist 15183, dated November 2020, prepared by ICF
220 Park Road – Mitigation Monitoring and Reporting Plan (MMRP)
Transportation Demand Management Plan for 220 Park Road, dated November 12, 2020, prepared by Fehr & Peers