

City of Burlingame

*Mitigated Negative Declaration, General Plan Amendment, Rezoning,
Condominium Permit, Fence Exception, Tentative Condominium Map, and
Tentative and Final Parcel Map*

**Item No. 8c
Regular Action Item**

Address: 1509 El Camino Real

Meeting Date: July 25, 2016

Request: Application for Mitigated Negative Declaration, General Plan Amendment, Rezoning of a portion of the site from R-2 to R-3, Condominium Permit, Fence Exception, Tentative Condominium Map, and Tentative and Final Parcel Map for construction of a new three-story, 11-unit residential condominium with at-grade parking.

Applicant and Property Owner: 1509 El Camino LLC

APN: 026-011-010 & 025-228-130

Designer/Engineer: PPA Development Inc.

Lot Area: 19,432 SF

General Plan: Medium Density and Medium High Density Residential

Zoning: R-2 and R-3

Adjacent Development: Retail commercial, multi-family, duplex and single-family dwellings

Current Use: 11-unit apartment complex in three separate buildings.

Proposed Use: 11-unit residential condominium building.

Allowable Use: Multiple-family, duplex, and single-family dwellings.

Project Summary: The applicant is proposing to demolish an existing 11-unit apartment complex and construct a new, three-story, 11-unit residential condominium complex at 1509 El Camino Real, zoned R-2 and R-3. The project consists of merging two lots that constitute the site, which requires applications for General Plan Amendment of a portion of the site from Medium Density to Medium High Density and Rezoning of a portion of the lot from R-2 (duplex residential) to R-3 (multi-family residential). Off-street parking for 27 vehicles is provided at-grade in an enclosed garage (area for service vehicle parking is provided in the semi-circular driveway). The following applications are being requested for the proposed project:

- Mitigated Negative Declaration, a determination that with mitigation measures there will be no significant environmental effects as a result of this project;
- General Plan Amendment of a portion of the site from Medium Density to Medium High Density Residential;
- Rezoning of a portion of the site from R-2 (duplex residential) to R-3 (multi-family residential);
- Condominium Permit for construction of a new three-story, 11-unit residential condominium building (Code Section 26.30.020);
- Fence Exception for construction of a 10 foot tall fence along the rear property line (8 feet solid + 2 feet of lattice proposed, where 6 feet solid + 1 foot of lattice is allowed) (Code Section 25.78.020 (b) and 25.78.050); and
- Tentative Condominium Map and Tentative and Final Parcel Map for lot combination of Lot 4, Block 51, map of Easton Addition No. 5 Subdivision and portion of Lot 3, Block 1, Ray Park Subdivision, 1509 El Camino Real, PM 16-01.

History/Chronology: In July, 2007 the Planning Commission reviewed an application for a new three-story, 10-unit residential condominium at this site (see attached July 23, 2007 Planning Commission Minutes). After an initial scoping meeting, the applicant withdrew the application.

In June 2011, the applicant submitted a new application for construction of a new four-story, 15-unit residential condominium. On July 9, 2012, the Planning Commission held an environmental scoping meeting for this project and provided comments and direction to the applicant. Please refer to the attached July 9, 2012 Planning Commission Minutes for a complete list of comments and concerns expressed by the Planning Commission and the public.

On January 28, 2013, a study meeting was held to inform the Planning Commission and public that the Initial Study for the project was available for review. It allowed the Planning Commission, project applicant and public to further discuss the proposed 15-unit project and provide clarification if needed. Please refer to the attached January 28, 2013 Planning Commission Minutes for a complete list of comments and concerns expressed by the Planning Commission and the public.

Since there was a significant amount of concerns expressed by the public and Planning Commission at the January 28, 2013 Planning Commission meeting, the applicants requested that the application be placed on hold so that they could meet with neighbors and revise the project to address the concerns expressed by the neighbors and Planning Commission. On March 23, 2015, the Planning Commission held a study meeting to review the revised project (reduced from 15 to 10 units). Please refer to the attached March 23, 2015 Planning Commission Minutes for a complete list of comments and concerns expressed by the Planning Commission and public and responses submitted by the applicant and staff on pages 14 and 15 of the staff report.

On April 27, 2015, the Planning Commission held an environmental scoping meeting to provide the Planning Commission and public an opportunity to comment on any potential environmental effects which they feel should be investigated as part of the environmental review. Please refer to the attached April 27, 2015 Planning Commission Minutes for a complete list of comments and concerns expressed by the Planning Commission and public and responses submitted by the applicant and staff on pages 11-14 of the staff report.

On December 14, 2015, the Planning Commission held an action meeting to review the proposed 10-unit project and Revised Initial Study/Mitigated Negative Declaration (Revised IS/MND). Please refer to the attached December 14, 2015 Planning Commission Minutes for a complete list of comments and concerns expressed by the Planning Commission and public and responses submitted by the applicant and staff on page 11 of the staff report. Since this meeting, the project was increased to 11 units per the direction of the Planning Commission.

Summary of Changes (from 15-Unit to 11-Unit Project): Since the January 28, 2013 study meeting, several changes have been made to the project to address concerns and comments expressed by the Planning Commission and public. The following is a summary of the significant changes made to the project:

1. The building height was reduced from four floors to three floors. As measured from average top of curb level, the overall building height was reduced from 55'-0" to 44'-6" (see revised Building Elevations, date stamped May 17, 2016). The applicant is using the Inclusionary Zoning incentive that was available at time of application to increase the building height without a Conditional Use Permit (44'-6" building height proposed where up to 46'-0" is allowed). Therefore, the previous request for a Conditional Use Permit for building height is no longer required.
2. The number of residential condominium units in the project was reduced in size from 15 units to 11 units (see revised Floor Plans, date stamped May 17, 2016 and January 28, 2015 and "Project Summary" section in staff report for the bedrooms/unit breakdown). Staff would note that at one time the number of units was reduced to 10. However, based on concerns by the Planning Commission that there should be no net loss of units as specified by the Housing Element, the Commission encouraged the applicant to propose a minimum of 11 units so there would be no net loss of units.

3. Although the total number of parking spaces provided on-site was reduced from 32 to 28, the number of parking spaces provided exceeds the minimum number required based on the reduced 11-unit project (28 parking spaces provided where a minimum of 26 parking spaces are required). An additional two guest parking spaces are provided (a total of four guest spaces are provided where two guest parking spaces are required). Please refer to the revised Site Plan, Garage Plan and "Off-Street" section in staff report for more information.
4. The two parking spaces previously proposed behind the building within the rear yard have been eliminated. This area is now soft landscaping (see revised Site Plan and Landscape Plans, date stamped May 17, 2016 and January 28, 2015). The previously proposed opening in the garage wall to allow vehicles to access the rear has been eliminated and replaced with windows and a pedestrian door.
5. The footprint of the building was redesigned in order to retain the existing protected sized trees in the southeast corner of the site (see revised Site Plan, Floor Plans and Landscape Plans, dated stamped May 17, 2016 and January 28, 2015). The existing four Deodar Cedar trees (17.3, 17.5, 17.6, 18.5 inches in diameter) and Bunya-Bunya tree (42 inches in diameter) at the southeast corner of the site are now proposed to remain. One of the protected sized Deodar Cedar trees (17.3 inches in diameter) (labeled as Pine trees on the plans), would be removed for construction of the building.
6. The rooftop air conditioning units previously located at the rear of the building have been moved to the front of the building (see revised Roof Plan, date stamped January 28, 2015).
7. The unit mix changed from two 1-bedroom, two 2-bedroom and six 3-bedroom units (24 bedrooms total) to two 1-bedroom, five 2-bedroom and four 3-bedroom units (24 bedrooms total) (see revised Floor Plans date stamped May 17, 2016 and January 28, 2015).
8. The previously proposed bocce ball court was replaced with a vegetable garden area (see revised Landscape Plans, date stamped May 17, 2016).
9. A 10' tall fence (8 foot solid CMU/stucco wall plus 2 feet of wood lattice) is proposed along the rear property line (see revised Landscape Plans, date stamped May 17, 2016).
10. Additional evergreen trees and hedges were added along the western and southern property lines (see revised Landscape Plans, date stamped May 17, 2016).

Environmental Review: The Planning Commission held an environmental scoping meeting for the initially proposed 15-unit condominium on July 9, 2012. The Initial Study/Mitigated Negative Declaration (IS/MND) for this previous project was prepared with the assistance of Michael Brandman Associates (now First Carbon Solutions). The IS/MND identified issues that were "less than significant with mitigation incorporation" in the areas of aesthetics, air quality, biological resource, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, noise and recreation. This IS/MND is attached for reference.

The project was then reduced in size from 15 units to 10 units. A Revised IS/MND was prepared by First Carbon Solutions (FCS) to reflect the current, smaller proposal. The Planning Commission held an environmental scoping session for the revised project on April 27, 2015. As presented the Initial Study identified potential impacts in the areas of aesthetics, air quality, biological resources, cultural resources, geology/soils, hydrology/water quality, noise, utilities/services systems and mandatory findings of significance. However, based upon the mitigation measures identified in the Initial Study, it has been determined that the project impacts can be addressed by a Mitigated Negative Declaration since the Initial Study did not identify any adverse impacts which could not be reduced to acceptable levels by mitigation (please refer to the

attached Initial Study/Mitigated Negative Declaration No. 585-P). The mitigation measures in the Initial Study have been incorporated into the recommended conditions of approval (in italics).

The Revised IS/MND for the project was released on October 9, 2015 for a 30-day public review and comment period. The 30-day review period ended on November 9, 2015. Written comments were received on the Revised IS/MND. Although not required by the California Environmental Quality Act (CEQA) and CEQA Guidelines, the City of Burlingame has evaluated the comments received on the Revised IS/MND prepared for the project; responses are provided in the Responses to Comments document.

FCS prepared a Supplemental Memorandum, dated March 9, 2016, which reviewed the revised plans to determine whether the revisions would result in any significant additional environmental impacts beyond those concluded in the previously prepared Revised IS/MND. Based on the proposed changes, FCS concluded that 1) the proposed changes are not significant enough to result in additional significant environmental impacts beyond those disclosed in the previous IS/MND and that 2) the revised 11-unit project would not result in any significant additional environmental impacts.

The Supplemental Memorandum, Responses to Comments and Errata, together with the Revised IS/MND, Revised IS/MND appendices, and the Mitigation Monitoring and Reporting Program, all of which are included as attachments to the staff report, comprise the Final IS/MND for use by the Planning Commission in its review and consideration of the project.

Detailed Project Summary: The applicant is proposing a new, three-story, 11-unit residential condominium building with at-grade parking at 1509 El Camino Real, zoned R-2 and R-3. Each of the eleven condominium units will contain an entry, living and dining rooms, kitchen and laundry facilities. The project site consists of two separate lots, which would be combined into one lot for the proposed project. One lot contains an 11-unit apartment complex, comprised of two, two-story buildings and one, three-story building and is zoned R-3 (multi-family residential). The other lot contains a portion of Mills Creek and is zoned R-2 (duplex). The proposed lot combination requires applications for Rezoning of a portion of the lot from R-2 to R-3 and General Plan Amendment of a portion of the site from Medium Density to Medium High Density. The site is surrounded by Mills Creek to the north, a one-story commercial building to the south, single family dwellings to the west and El Camino Real to the east. The existing 11-unit apartment complex would be demolished to build the proposed 11-unit residential condominium building.

Materials proposed for the exterior of the building include cement plaster siding, Spanish clay tile roofing, wood windows with simulated true divided lites, metal railings, decorative wrought iron scroll pieces, awnings over selected windows and doors and knee braces at roof extensions. The overall height of the building, as measured to the tower element at the front, right corner of the building, is proposed at 44'-6" above average top of curb level where 55'-0" is the maximum allowed (a Conditional Use Permit is required for any building or structure which is more than thirty-five (35) feet in height; up to 46'-0" is allowed without a Conditional Use Permit using the Inclusionary Zoning incentive). The majority of the building measures 35'-6" above average top of curb.

Parking/Transportation: Two one-bedroom units, five two-bedroom units and four three-bedroom units are proposed. The code requires 23 parking spaces for the residents of the units, two guest parking spaces and one service vehicle parking space, for a total of 26 on-site parking spaces. The proposed project provides 25 parking spaces for the residents, two guest parking spaces and one service vehicle space, for a total of 28 parking spaces (two more parking spaces than the required minimum for this project). An area for service vehicle parking is provided in the circular driveway at the front of the site. Access to the at-grade garage would be from El Camino Real by way of a circular driveway.

Potential traffic, parking, and safety impacts related to the proposed project are addressed in Section 2.16, Transportation/Traffic of the Revised IS/MND. On-site parking has been addressed and exceeds standard requirements since the project provides sufficient parking: 28 on-site parking spaces are proposed where 26 parking spaces are required, including resident, guest, and service vehicle spaces (two more parking spaces than the required minimum).

The following is an excerpt from the Supplemental Memo, dated March 9, 2016, which provides a summary of the previously proposed and currently proposed project’s expected trip generation compared with the existing on-site use:

“Table 2 and Table 3 provide a summary of the previously proposed and currently proposed project’s expected trip generation compared with the existing on-site use. As shown in Table 3, the addition of one condominium unit would increase daily trip generation by approximately 7 daily trips. The number of AM peak-hour trips would increase by 2 trips compared with the 10-unit project but would still not exceed the trip generation of the existing use. The number of PM peak-hour trips would increase by one but would continue to be below the existing use trip generation. The increase of 7 daily trips as a result of the additionally proposed unit would not change the conclusions of the Revised IS/MND related to potential traffic impacts.”

Table 2: Trip Generation Summary—Previously Proposed

Land Use	Units	Daily		AM Peak Hour				PM Peak Hour			
		Rate	Trips	Rate	Trips	In	Out	Rate	Trips	In	Out
Existing											
Apartment	-11	17.29	-190	0.82	-9	-2	-7	2.18	-24	-16	-8
Previously Proposed											
Condominium	10	8.68	87	0.73	7	1	6	0.87	9	6	3
Net New Trips	—	—	-103	—	-2	-1	-1	—	-15	-10	-5
Note: du = dwelling unit											

Table 3: Trip Generation Summary—Currently Proposed

Land Use	Units	Daily		AM Peak Hour				PM Peak Hour			
		Rate	Trips	Rate	Trips	In	Out	Rate	Trips	In	Out
Existing											
Apartment	-11	17.29	-190	0.83	-9	-2	-7	2.15	-24	-15	-9
Currently Proposed											
Condominium	11	8.57	94	0.80	9	2	7	0.89	10	7	3
Net New Trips	—	—	-96	—	0	0	0	—	-14	-8	-6
Note: du = dwelling unit											

FCS explains that trip generation rates differ between apartments and condominiums, noting that “With respect to trip generation rates, apartments have higher trip generation rates than condominiums. Apartments are considered rented units with a higher turnover of occupants than condominiums, which are units for

purchase. As such, there are often more individuals per apartment unit with varying schedules and a need for each occupant to drive, compared to a condominium where there is more likely one family per unit with more similar schedules and fewer individuals needing to drive.”

As requested by the Planning Commission, FCS also completed a sensitivity analysis. An analysis of the intersection of El Camino Real and Trousdale Drive was completed to determine the project size required to trigger a significant impact (this intersection was chosen because recent traffic count data was available from the project at 1600 Trousdale Drive and it is located close to the project site). The analysis concluded that the project would have to include at least 410 condominium units to trigger a significant impact at this intersection. Therefore, the contribution to traffic from the proposed 11-unit project would be well below the level that would result in significant traffic impacts at this intersection.

Common and Private Open Space: The total common open space proposed for the condominium project is 2,936 SF (293 SF/unit), which exceeds the minimum requirement of 1000 SF (100 SF/unit). Of the minimum required common open space, 50% must be in soft landscaping (minimum of 500 SF of soft landscaping required); 1,165 SF within the common open space is proposed to be landscaped and therefore is in compliance. There is 75 SF to 202 SF in private open space per unit (75 SF/unit is the minimum required) provided in balconies. The applicant is proposing 50.1% (852 SF) landscaping in the front yard where 50% (850 SF) is the minimum required. The project meets all other zoning code and condominium permit requirements.

Landscaping: The existing site contains a total of seven protected sized trees. They include five Deodar Cedar trees (17.3, 17.5, 17.6, 18.5 inches in diameter) and a Bunya-Bunya tree (42 inches in diameter) at the southeast corner of the site and an Elm tree (22 inches in diameter) at the northeast corner of the site. With this project, one of the protected sized trees on the subject property, a 17.3-inch diameter Deodar Cedar tree (labeled as a Pine trees on the plans), located at the southeast corner of the lot would be removed for construction of the building. An application for a Protected Tree Removal permit to remove this tree will be required from the Parks Division.

There are also several existing trees located within the top of bank along Mills Creek; the applicant notes that no trees along Mills Creek will be removed. The existing three Black Acacia trees located within the 10 foot wide alley behind this property will also remain. Any required protection measures for trees to remain will need to be installed prior to construction.

Ralph Osterling Consultants prepared several reports to address the existing trees on the subject property. They include a Tree Assessment Report dated February 22, 2011 (updated on October 30, 2014), a report addressing anticipated root impacts dated June 30, 2016, and a Tree Protection Plan dated April 11, 2016, outlining general tree protection measures and construction guidelines. The documents are attached for reference. The consultant notes that based on the distance to the proposed structure, there will be no root impacts to the Bunya-Bunya tree and there will be 10-25% root impact on the remaining trees. In his memorandum dated July 14, 2016, the City Arborist accepts the findings in the report, noting that 25% root impact is an acceptable number (more than 25% impact would have a negative effect on the trees). He also recommends that in addition to tree protection measures, the existing trees should be maintained and watered after installation of the foundation and during the entire construction phase.

Proposed landscaping includes various species of trees (24-inch box), shrubs and small plantings throughout the site (see Landscape Plans, sheets L-1 through L-5). The Planting Plan on sheet L-2 notes that 10 new 24-inch box size trees will be planted throughout the site. In addition, 48 new 24-inch box Podocarpus Gracilior (Fern Pine) will be planted along the western and southern property lines to provide screening. Please refer to the revised Landscape Plan, date stamped May 17, 2016.

In their letter dated November 9, 2015, the California Department of Transportation (Caltrans) requests that at least one Accolade Elm tree be planted in the Caltrans right-of-way in line with the existing eucalyptus tree row to enhance the resource in a location where previous trees have been removed. The author indicates that sufficient space appears to be available for such planting within the right-of-way at a location ten feet south of the proposed driveway, while still permitting visual allowance for those exiting the driveway. Two Accolade Elm trees are proposed to be planted along the front property line at the two corners of the site. Condition of approval #4 has been added requiring the applicant to plant at least one Accolade Elm tree at an appropriate location verified by the Department of Transportation and Parks Division.

Fence Exception: Fence regulations state that in any R district, the maximum height of a fence along a side or rear property line is 7'-0", provided the last foot of fence is a material of open design, such as lattice. The applicant is requesting a Fence Exception to allow a 10'-0" tall fence along the rear property line. There is a 10'-0" right-of-way behind the rear property line. This right-of-way separates the subject property and the properties immediately to the rear along Balboa Avenue.

Based on input received from the Planning Commission and the adjacent neighbor on Balboa Avenue, the applicant has revised the fence design along the rear property line from a 6-foot tall wood fence to a 10-foot tall fence (8-foot solid plus 2-foot lattice), subject to being granted a Fence Exception. The proposed fence consists of an 8-foot tall portion constructed with CMU (concrete masonry unit) blocks, finished with stucco on both sides; the remaining 2-foot portion on top of the wall consists of redwood lattice. Please see sheets L-1 and L-5 of the revised Landscape Plans, date stamped May 17, 2016). The applicant's findings are found in the attached Fence Exception Application.

A neighboring property owner requested that the new fence be built prior to construction of the project. Condition of approval #11 was added requiring that the 10' tall fence along the rear property line be built after demolition of the existing structures on the site and prior to construction of the new development, as shown on the plans date stamped May 17, 2016.

Creek Repair/Erosion: Mills Creek is located along the northwestern boundary of the site. The building footprint and associated construction area is designed to remain at least 3 to 17 feet from the top-of-bank and would not affect riparian habitat. However, the project would also include work within Mills Creek to eliminate erosion and undercutting issues located at the northwest corner of the project site. The goal of work within Mills Creek would be to shore up the creek bank through the use of gabions or other restoration components to address ongoing erosion problem areas along the creek bank.

Neighborhood property owner Mark Haberecht submitted an email, dated October 16, 2015, to the City of Burlingame indicating concern over existing erosion conditions at the project site near the Mills Creek bank. The following is an excerpt from the Responses to Comments document prepared by FCS:

"The author also indicated that the existing soils study for the proposed project is outdated and may not address the existing erosion. The author provided two photos of the area in question, which show a hole of approximately 2 feet by 4 feet in size located in existing pavement directly adjacent to Mills Creek and the existing fenceline.

In response to the author's comment, the City of Burlingame Public Works Department provided a letter, dated October 27, 2015 (included herein as part of the HABERECHT-1 letter). The letter indicated that the erosion issue is on private property and, therefore, the responsibility of resolving the issue falls to the property owner. The Public Works Department further indicated that the City does not have jurisdiction over Mills Creek and any repair work within a creek bank must be approved and permitted through the California Department of Fish and Wildlife (CDFW). The Public Works Department notified the property owner of the reported erosion in a letter dated December 4, 2015. In

addition, all comment letters herein, including those referencing onsite erosion, have been forwarded to the property owner.

As indicated in Revised IS/MND, Section 1.4.4, the project would include work within Mills Creek to eliminate erosion and undercutting issues located at the northwest corner of the project site. This erosion is consistent with that identified by Mr. Haberecht. The erosion would be abated with implementation of the in-creek work included as part of the project, which includes stabilizing the creek bank through the use of gabions or other restoration components. Furthermore, as indicated in Revised IS/MND Section 1.4.4, and Section 2.4, Biology, the project would be required to enter into a Streambed Alteration Agreement with the CDFW (as required by Mitigation Measure BIO-2) and obtain a Section 404 Clean Water Act Nationwide Permit from the United States Army Corps of Engineers (USACE) (as required by Mitigation Measure BIO-3).

Appendix C of the Revised IS/MND includes a letter dated September 4, 2012 that also addresses the identified erosion issue and concludes that the proposed pier-supported building would not impact the creek bank or retaining wall. The memo indicates that the use of a pier-supported structure of a mat slab, ground-level garage floor set back at least 20 feet from the top of the creek bank/retaining wall would ensure that no load would be imparted to deteriorating walls, which would present a minimal concern for the long-term stability of the channel because of the underlying, hard, native clay soils. Nonetheless, work is proposed within the creek to eliminate erosion and undercutting issues. Such work would be implemented during or before soil preparation for the proposed project, as a condition of approval. In addition, prior to issuance of grading or building permits the Building Division will review the proposed project and related Geotechnical Investigation. The need for additional geotechnical reporting would be determined at that time. However, as indicated by the existing Geotechnical Investigation and related letter dated September 4, 2012, the project site is suitable for the proposed development.”

Inclusionary Zoning: At the time this project was submitted, it was subject to Inclusionary Zoning regulations which require that an affordable unit be included with any residential projects with four or more units. The 11-unit proposal requires one affordable unit. The applicant is proposing that Unit 201, a one-bedroom unit on the second floor will be affordable units.

The inclusionary zoning ordinance that was in effect at the time of application allowed the applicant to apply up to two of three incentives offered including increasing the building height (up to 46'-0" without a conditional use permit), reducing the common open space by up to 50% or 200 SF (whichever is greater), or increasing the number of compact parking stalls. The applicant is using the incentive to increase the number of compact parking spaces. The applicant is proposing 14 of the 28 parking spaces (50%) to be compact size (8' x 17'). The applicant is also using the incentive to increase the building height without a conditional use permit (44'-6" building height proposed). Based on this proposal, the affordable units must be maintained at that market rate for 10 years.

Design Review: Planning staff would note that zoning amendments were adopted for the R-3 Zoning District, Design Review and Off-Street Parking on September 19, 2011 and became effective on October 19, 2011. However, since this application was filed in June 2011 and prior to adoption of the zoning amendments, the proposed project is not subject to the City's Design Review process.

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Table 1 below provides a comparison of the proposed project to the R-3 District and Condominium Subdivision development standards.

Table 1 – 1509 El Camino Real

Lot Area: 19,432 SF

Plans date stamped: May 17, 2016 and January 28, 2015

	CURRENT PROPOSAL (PREVIOUS)	ALLOWED/REQUIRED
Front Setback:	Garage: 22'-0" (21'-5") Second: 22'-0" (21'-5") Third: 22'-0" (21'-5") Fourth: 4 th floor eliminated (21'-5")	20'-0" 20'-0" 20'-0" 20'-0"
Side Setback (R):	Garage: 10'-7" to 34'-7" (16'-2") Second: 10'-7" to 34'-7" (16'-2") Third: 10'-7" to 34'-7" (16'-2") Fourth: 4 th floor eliminated (16'-2")	7'-0" 8'-0" 9'-0" 10'-0"
Side Setback (L):	Garage: 11'-6" (10'-0") Second: 10'-0" (8'-5") Third: 10'-0" (10'-0") Fourth: 4 th floor eliminated (10'-0")	7'-0" 8'-0" 9'-0" 10'-0"
Rear Setback:	Garage: 15'-6" (15'-6") Second: 15'-6" (15'-6") Third: 20'-7" (20'-6") Fourth: 4 th floor eliminated (20'-6")	15'-0" 15'-0" 20'-0" 20'-0"
Lot Coverage:	48.9% - 9509 SF (50% - 9712 SF)	50% - 9,716 SF
Building Height:	44'-6" (55'-0")	55'-0" maximum; 46'-0" allowed using Inclusionary Zoning incentive

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Table 1 – 1509 El Camino Real

Lot Area: 19,432 SF

Plans date stamped: January 28, 2015

	CURRENT PROPOSAL (PREVIOUS)	ALLOWED/REQUIRED
Off Street Parking:	<u>Current Proposal</u>	<u>Current Required</u>
	<p>25 spaces for residents</p> <p>2 guest spaces 1 service vehicle space (in driveway) 28 total spaces</p> <p>96% covered</p> <p>14 compact spaces</p>	<p>2, 1 bdrm unit x 1.5 = 3 spaces 5, 2 bdrm units x 2 = 10 spaces <u>4, 3 bdrm units x 2.5 = 10 spaces</u> 23 spaces for residents</p> <p>2 guest spaces 1 service vehicle space 26 total spaces</p> <p>80% must be covered</p> <p>14 compact spaces allowed by Inclusionary Zoning incentive</p>
	<u>Previous Proposal (15-units)</u>	<u>Previous Required (15 units)</u>
	<p>29 spaces for residents</p> <p>2 guest spaces 1 service vehicle space (in driveway) 32 total spaces</p> <p>91% covered</p> <p>16 compact spaces</p>	<p>12, 2 bdrm units x 2 = 24 spaces <u>3, 1 bdrm units x 1.5 = 4.5 spaces</u> 29 spaces for residents</p> <p>2 guest spaces 1 service vehicle space 32 total spaces</p> <p>80% must be covered</p> <p>16 compact spaces allowed by Inclusionary Zoning incentive</p>
Front Setback Landscaping:	50.1% - 852 SF (54% - 920 SF)	50% - 850 SF
Private Open Space:	75 - 202 SF/unit (75 - 185 SF/unit)	75 SF per unit
Common Open Space: SF Landscaped:	<p>2936 SF 1165 SF or 116% of required (3297 SF) (1492 SF or 99% of required)</p>	<p>1000 SF 500 SF or 50% of required (1500 SF) (750 SF or 50% of required)</p>

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December 14, 2015 Action Meeting: At the December 14, 2015, Planning Commission action meeting, the Commission continued the item and provided several comments and questions for this project (see attached December 14, 2015 P.C. Minutes). Please refer to the applicant's written response, dated May 3, 2016, for responses to the comments and questions listed below. Responses provided by staff are found at the end of the list.

Comments addressed by applicant (see applicant's written response dated May 3, 2016 for answers to these comments):

- Needs work on details such as unit mix, details of landscaping that could have impacts on neighbors, and landscape screening.
- Concern with parking and traffic. Too many compact spaces given numbers of 2 and 3 bedroom units, could result in spillover parking.
- Why is there a bocce court in the design if nobody wants it? Take bocci court out, change to quiet garden landscaping.
- Desire for 11 units, smaller units, change in landscaping, taller fence.

Comments addressed by city staff:

1. ***Does not accept the report that estimates lower trip generation than existing. However, differences in trips is not significant. Traffic engineer could run a sensitivity analysis to determine where an impact that would be significant to CEQA would be.***
 - Please refer to 'Parking/Transportation' section on pages 4 through 6 of the staff report.
2. ***Housing Element is specific that there cannot be a loss of units. Is no net loss of units a requirement?***
 - Program H(F-8) of the 2009-2014 Housing Element that was in effect at time of application specifies maintaining zero net-loss of housing units when new development is proposed. It was a program and has not been adopted as a regulation; nevertheless, there is no net loss of units with the proposed 11-unit project.

April 27, 2015 Environmental Scoping Meeting: At the April 27, 2015, Planning Commission environmental scoping meeting, the Commission provided several comments and questions for this project (see attached April 27, 2015 P.C. Minutes). Provided below are the comments/questions and responses by staff.

1. ***Clarify on the tree removal issue. There was some confusion which trees were being removed.***
 - With this project, one protected sized tree on the subject property, a 17.3-inch diameter Deodar Cedar tree (labeled as a Pine tree on the plans), located at the southeast corner of the lot would be removed for construction of the building. An application for a Protected Tree Removal permit to remove this tree will be required from the Parks Division.
2. ***If project is being reviewed by Department of Fish & Wildlife it will make comments on the creek bank. The environmental consultant needs to be in the loop with the repair that will be required. Creek bank repair scope is not well defined, should be coordinated with Public Works to define potential impacts.***
 - The project includes work within Mills Creek to eliminate erosion and undercutting issues located at the northwest corner of the project site. The goal of work within Mills Creek is to

shore up the creek bank through the use of gabions or other restoration components to address ongoing erosion problem areas along the creek bank.

The Public Works Department notes that resolving erosion issues on private property is the responsibility of the property owner. Furthermore, they noted that the City does not have jurisdiction over Mills Creek and any repair work within a creek bank must be approved and permitted through the California Department of Fish and Wildlife (CDFW).

As indicated in Revised IS/MND, Section 1.4.4, the erosion would be abated with implementation of the in-creek work included as part of the project, which includes stabilizing the creek bank through the use of gabions or other restoration components. Furthermore, as indicated in Revised IS/MND Section 1.4.4, and Section 2.4, Biology, the project would be required to enter into a Streambed Alteration Agreement with the CDFW (as required by Mitigation Measure BIO-2) and obtain a Section 404 Clean Water Act Nationwide Permit from the United States Army Corps of Engineers (USACE) (as required by Mitigation Measure BIO-3).

3. *Wastewater sewer line capacity should be evaluated to ensure it can accommodate 150% increase in sewage. Wastewater needs to be looked at more carefully, not just in terms of the wastewater treatment plant. There is a more local concern here - could the project trigger local mitigation improvements to the local sewer at that location? Water demand figures need to be updated. Wastewater numbers need to be updated.*

- The Department of Public Works – Engineering Division notes that a sanitary sewer analysis will be required prior to issuance of a building permit. If the analysis determines that larger sewer lines will be required, the upgrades will need to be made as a part of the project. Condition of approval #33 has been added:

“that prior to issuance of a building permit, the applicant shall prepare and submit to the Department of Public Works – Engineering Division a sanitary sewer analysis that assesses the impact of this project to determine if the additional sewage flows can be accommodated by the existing sewer line. If the analysis results in a determination that the existing sewer line requires upgrading, the applicant shall perform the necessary upgrades as determined by the Engineering Division.”

Please also refer to the Supplemental Memo prepared by FCS, dated March 9, 2016 for updates to the wastewater treatment plant capacity.

4. *Page 52 in the mitigated negative declaration mentions 6 feet from top of bank, but letter from Fish & Wildlife says the amount should increase.*

- The building footprint and associated construction area is designed to remain at least 3 to 17 feet from the top-of-bank and would not affect riparian habitat. Only a small portion of the building (front corner) is located 3 feet from the top-of-bank; the remainder of the building is set back 6 to 17 feet.

Appendix C of the Revised IS/MND includes a letter dated September 4, 2012 that also addresses the identified erosion issue and concludes that the proposed pier-supported building would not impact the creek bank or retaining wall. The memo indicates that the use of a pier-

supported structure of a mat slab, ground-level garage floor set back at least 20 feet from the top of the creek bank/retaining wall would ensure that no load would be imparted to deteriorating walls, which would present a minimal concern for the long-term stability of the channel because of the underlying, hard, native clay soils. Nonetheless, work is proposed within the creek to eliminate erosion and undercutting issues. Such work would be implemented during or before soil preparation for the proposed project, as a condition of approval. In addition, prior to issuance of grading or building permits the Building Division will review the proposed project and related Geotechnical Investigation. The need for additional geotechnical reporting would be determined at that time. However, as indicated by the existing Geotechnical Investigation and related letter dated September 4, 2012, the project site is suitable for the proposed development.

5. *Previous document said banks of the creek were not accessible due to fencing, hopefully someone can do a survey.*

- FCS notes in the Revised IS/MND that the analysis “is based on a July 26, 2012 field reconnaissance and biological assessment by a qualified biologist” and that “An FCS biologist visited the site again on June 10, 2015 to review conditions of the site, including general habitats within and adjacent to Mills Creek.”

6. *Enclosed secured bicycle storage was proposed previously, not just within garage.*

- Bicycles can be stored in provided storage rooms for each unit.

7. *Displacement of housing - needs to define what displacement is. Existing units are affordable, those households will not be able to afford the new units so will be displaced.*

- Staff would note that under current zoning regulations, construction of an affordable unit is not required. The City’s previous Inclusionary Housing Ordinance has been replaced by a Density Bonus Ordinance consistent with State Law. The Density Bonus Ordinance is discretionary, and projects are not obligated to provide affordable units unless they seek to utilize development standard incentives offered by the ordinance.

However, at the time this project was submitted, it was subject to Inclusionary Zoning regulations which required that an affordable unit be included with any residential projects with four or more units. Under the regulations the 11-unit proposal requires one affordable unit. The applicant is proposing that Unit 201, a one-bedroom unit on the second floor will be designated as the affordable unit.

8. *School impact needs to consider fewer units but more bedrooms. Previously based on phone interviews, but would like a contact name for the school district to discuss their future enrollment and capacity analysis.*

- Based on information provided in an environmental document for a proposed residential condominium, the State of California has determined that housing units yield approximately 0.5 students per dwelling unit for the Elementary School District and 0.2 students per dwelling unit for the High School District (California Department of General Services 2009). The proposed project is therefore projected to add approximately 6 elementary school-aged children and 3 high school-aged children to the school system. Impacts to Lincoln Elementary School and

Burlingame Intermediate School would be less than significant because 6 additional students added to one school is not a large number of students and the Burlingame School District would accommodate students if their local school reaches capacity.

9. Traffic study - previously anticipated a net negative impact on traffic, but needs to be understood better. Refers to some studies and benchmarks that were used to come up with the numbers.

- Please refer to 'Environmental Review' discussion on pages 3 and 4 of staff report.

10. Environmental consultant should explain concept of cumulative effects.

- Please refer to section (b) of the 'Environmental Evaluation' (pages 118-21 in the Revised IS/MND). The analysis concludes that the project's impacts would not be considered cumulatively considerable. This conclusion would not change with the revised 11-unit project.

March 23, 2015 Environmental Scoping Meeting: At the March 23, 2015, Planning Commission study meeting, the Commission provided several comments and questions for this project (see attached March 23, 2015 P.C. Minutes). Please refer to the applicant's written response, dated May 3, 2016, for answers to the comments and questions listed below. Responses provided by staff are found at the end of the list.

Comments addressed by applicant (see applicant's written response dated May 3, 2016 for answers to these comments):

- Foam trim is discouraged. Foam with an epoxy-based coating that is substantive and looks like simulated stone is preferred.
- Notes on plans needing fixing: Note 13; existing wall at creek to remain note; scallop termination on the walls unclear.
- Garage entry is a hole in the wall. Perhaps a timber header or keystone.
- Awnings should have a darker/contrasting color
- Address rear wall and landscape screening.
- Identify which trees are being removed.
- Identify how existing tenants enter and exit the site versus proposed.
- Address how this rezoning would or would not result in other future rezoning? Unique conditions here, was addressed in previous application.
- Appears path going from trash bins to driveway is very narrow - make sure they will be able to fit. Where will 10-12 trash bins go?
- Clarity on how to remedy building new condos by displacing affordable housing? Versus reduction in numbers of housing units/reduction in housing stock.

Comments addressed by city staff:

1. Should have a condition that the arborist be retained through construction of the project.

- Refer to condition of approval #10.

2. Needs a condition from Public Works regarding the creek repair.

- Refer conditions of approval #37 and #38.

3. Environmental analysis should address sewer and utility impacts.

- Please refer to the sewer and utility analysis contained within the Supplemental Memorandum, Responses to Comments, Errata, and Revised IS/MND. Also, please refer to the wastewater sewer line capacity discussion on page 12 of the staff report.

4. Clarify height request - to which part of the building is going to 44'-6" versus the tower.

- The overall height of the building, as measured to the tower element at the front, right corner of the building, is proposed at 44'-6" above average top of curb level where 55'-0" is the maximum allowed. The majority of the building measures 35'-6" above average top of curb.

5. Tree protection should include an inspection regime, so that trees are maintained through the life of the project.

- Refer to conditions of approval #6 through #10.

6. How was the tree bond worked out on Drake?

- The condition of approval to require a security deposit was crafted in response to the root damage that occurred to the Redwood trees during the illegal grading activity for the construction of three new homes at 1537 Drake Avenue. The security deposit was based on the appraisal of the value of the Redwood trees. The security deposit was required to be retained for a period of five years after completion of construction to secure the City against one or more of the Redwood trees dying due to problems attributable to construction. The funds would be available to the City Arborist to cover any necessary removal costs, cover any unperformed maintenance or other corrective activities regarding the Redwood trees. This may also be done in the form of a letter of credit, rather than a cash deposit. Typically, bonds or security deposits have not been collected for tree protection.

Staff Comments: See attached comments from the Building, Parks, Engineering, Fire and Stormwater Divisions. Several letters of concern submitted by the public for the proposed project are attached for review. Letters of concern submitted by the public for the previously proposed four-story, 15-unit condominium will be available on the City's website under '1509 El Camino Real – Multi-Family Residential Project'.

Public Facilities Impact Fee: The purpose of 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. For residential projects, fees and fee credits are determined based on total number of dwelling units. Since project consists of demolishing an existing 11-unit apartment building and replacing it with a new 11-unit residential condominium building, payment of the public facilities impact fee is not required because there is no net increase in dwelling units.

Tentative Condominium Map and Tentative and Final Parcel Map for Lot Combination: The Tentative Condominium Map and Tentative and Final Parcel Map for lot combination application and project application are reviewed together by the Planning Commission. Please refer to the attached memorandum prepared by the Department of Public Works – Engineering Division, dated July 18, 2016. The Planning Commission's action on the map application should be in the form of a recommendation to the City Council.

Findings for a Mitigated Negative Declaration: For CEQA requirements the Planning Commission must review and approve the Mitigated Negative Declaration, finding that on the basis of the Initial Study and any comments received in writing or at the public hearing that there is no substantial evidence that the project will have a significant (negative) effect on the environment.

Suggested Findings for Mitigated Negative Declaration: In accordance with CEQA Guidelines Section 15183, the environmental analysis in the Initial Study was conducted to determine if there were any project-specific effects that are peculiar to the project or its site. Based on the environmental analysis, it was determined that the proposed project would have no adverse environmental impacts on the environment in the areas of agriculture and forestry services, greenhouse gas emissions, hazards and hazardous materials, land use/planning, mineral resources, population/housing, public services, recreation, and transportation/traffic. Although the environmental analysis did find that the project could have a significant effect in the areas of aesthetics, air quality, biological resources, cultural resources, geology/soils, hydrology/water quality, noise, utility/service systems and mandatory findings of significance, mitigations measures were identified to reduce adverse impacts to acceptable levels. Therefore, based on the Initial Study there will be no significant environmental effects as a result of this project.

Findings for a General Plan Amendment: In acting on the request for a general plan amendment for the change in land use designation from of a portion of the site from Medium Density to Medium High Density Residential, the Planning Commissioners should state the reasons why they feel such action is appropriate. The commissioners must state why the changes are consistent with the policies of the General Plan and in particular the Land Use Element of the General Plan.

Suggested Findings for a General Plan Amendment: That the project includes a change in land use designation for the portion of the property which is not developable and contains a creek (Assessor's Parcel 025-228-130) from the Medium Density Residential to the Medium High Density Residential land use designation, which will bring the entire site into one general plan designation; that the change in land use designation will not alter the land use patterns in the area; that the City of Burlingame General Plan indicates that areas designated as Medium High Density Residential typically contain 21 to 50 units per acre and that Medium High Density land use designations along El Camino Real provide a transition between higher intensity uses and adjoining lower intensity uses; and that the proposed 11 units would represent approximately 24.6 units per acre and, therefore, would be consistent with the Medium High Density land use designation; therefore the general plan amendment may be found to be consistent with the policies of the Land Use Element of the General Plan.

Findings for a Rezoning: In acting on the request to rezone a portion of the lot from R-2 (duplex residential) to R-3 (multi-family residential), the Planning Commission should state the reasons why they feel such action is appropriate and consistent with the intent of the General Plan and Zoning Ordinance.

Code Section 25.04.010 states that the zoning plan is established for the following purposes: to promote public health, safety and welfare; preserve a wholesome serviceable and attractive community which increases the safety and security of home life; promote harmonious character and economy among property, building construction and civic services; establish regulations to limit the location, uses, height, bulk, lot coverage, street setback, yard sizes and occupancy of building structures and land; encourage remodeling of existing residential structures; preserve residential neighborhood character of single family structures and accessory structures and provide for the best general civic use to protect the common rights and interests of all.

Suggested Findings for a Rezoning: That the project includes rezoning of a portion of the property which is not developable and contains a creek (Assessor's Parcel 025-228-130) from the R-2 (duplex residential) to the R-3 (multi-family residential) zone, which will bring the entire site into one zoning designation and would be consistent with the proposed Medium High Density Residential general plan

designation; that the City of Burlingame Zoning code indicates that multi-family residential uses are a permitted use within the multi-family residential (R-3) zone and that the proposed project conforms to all development regulations for the multi-family residential (R-3) zone; therefore the rezoning may be found to be consistent with the intent of the General Plan and Zoning Ordinance.

Criteria for Permitting a Residential Condominium: The following condominium standards shall apply to all land and structures proposed as a part of a condominium project and shall be evaluated and processed pursuant to the procedural requirements set forth for Conditional Use Permits in title 25 of this code. No condominium project or portion thereof shall be approved or conditionally approved in whole or in part unless the planning commission, or city council upon appeal or review, has reviewed the following on the basis of their effect on:

- (a) Sound community planning; the economic, ecological, social and aesthetic qualities of the community; and on public health, safety and general welfare;
- (b) The overall impact on schools, parks, utilities, neighborhoods, streets, traffic, parking and other community facilities and resources; and
- (c) Conformity with the general plan and density permitted by zoning regulations.

Suggested Findings for Condominium Permit:

- *Sound community planning; the economic, ecological, social and aesthetic qualities of the community; and on public health, safety and general welfare* in that the 11-unit residential condominium project is scaled to be compatible with existing multifamily buildings along El Camino Real and in the neighboring single family residential neighborhood, features ample landscaping with water-conserving features and design, provides safe pedestrian access along the street frontage, and provides a variety of dwelling types suitable to a range of households;
- *The overall impact on schools, parks, utilities, neighborhoods, streets, traffic, parking and other community facilities and resources* in that with the mitigations designed into the project the Revised Initial Study/Mitigated Negative Declaration has found there will be no significant impacts; and
- *Conformity with the general plan and density permitted by zoning regulations*, in that the project provides residential units consistent with the applicable general plan and zoning designations.

Required Findings for a Fence Exception: In order to grant a Fence Exception, the Planning Commission must find the following conditions exist on the property (Code Section 25.78.050 a-d)):

- (a) that there are exceptional circumstances;
- (b) that there is no public hazard;
- (c) that neighboring properties will not be materially damaged; and
- (d) that the regulations cause unnecessary hardship upon the petitioner.

Suggested Findings for Fence Exception:

- *That there are exceptional circumstances*, in that the fence height is a request put forward by an adjacent property owner after engagement with the applicant and would be located adjacent to a 10'-0 wide right-of-way at the rear of the property;
- *That there is no public hazard*, in that the wall will be required to obtain a Building Permit and will be evaluated for structural integrity accordingly;
- *That neighboring properties will not be materially damaged*, in that the wall will be located 10'-0" away from the property line of adjacent properties to the rear and will utilize a pier and grade beam foundation to minimize disruption to adjoining properties; and
- *That the regulations cause unnecessary hardship upon the petitioner*, in that the regulations would not otherwise permit construction of the privacy wall between two land uses (R-1 and R-3).

Findings for Tentative Condominium Map and Tentative and Final Map to merge to existing parcels: In order to approve a tentative condominium map and tentative and final parcel map, the Commission and Council must find that the proposed tentative condominium map and parcel map, together with the provisions for its design and improvement, is consistent with the Burlingame General Plan and consistent with the provisions of the Subdivision Map Act, and that the site is physically suited for the proposed type and density of development.

Suggested Findings for Tentative Condominium Map and Tentative and Final Parcel Map for Lot Combination: That the proposed tentative condominium map and tentative and final parcel map, together with the provisions for its design and improvement, is consistent with the Burlingame General Plan and consistent with the provisions of the Subdivision Map Act; that the site is physically suited for the proposed type and density of development in that it provides residential use in an area identified as suitable for such use in the Burlingame General Plan Housing Element; that the project provides ample vehicular and pedestrian circulation to serve the project, and is consistent with required development standards including setbacks, lot coverage and building height; therefore the project may be found to be compatible with the criteria listed above.

Planning Commission Action: The Planning Commission should hold a public hearing. Affirmative action to recommend the following items should be taken separately by resolution including the conditions representing mitigation for the Mitigated Negative Declaration (in italics below) and any conditions from the staff report and/or that the commissioners may add. The reasons for any action should be clearly stated.

1. Mitigated Negative Declaration
2. General Plan Amendment
3. Rezone
4. Condominium Permit
5. Fence Exception
6. Tentative Condominium Map and Tentative and Final Parcel Map

Since the City Council is the final decision-making body regarding the request for General Plan Amendment and Rezoning of a portion of the subject site, the Planning Commission's action should be in the form of a recommendation to the City Council, since the entire application will be forwarded to the City Council for consideration.

Please note that the conditions below include mitigation measures taken from the Revised IS/MND (shown in italics). A copy of the Mitigation Monitoring and Reporting Program (MMRP) is attached for review. If the Commission determines that these conditions do not adequately address any potential significant impacts on the environment, then an Environmental Impact Report would need to be prepared for this project. The mitigations will be placed on the building permit as well as recorded with the property and constitute the mitigation monitoring plan for this project. At the public hearing the following mitigation measures and conditions should be considered:

1. that the project shall be built as shown on the plans submitted to the Planning Division date stamped May 17, 2016, sheets A0.1, A1.0, A2.1 through A2.3, A5.1 through A5.3, and L-1 through L-5, and date stamped January 28, 2015, sheets A0.2, A1.1 through A1.3, A3.1 through A4.3, BMP1, MM, C-0, C-2, and C-3;
2. that the project shall include one affordable unit for a 10-year term; the applicant shall enter into an agreement for the administration of the sale, rent or lease of the affordable unit at least 120 days before the final inspection;
3. that the applicant shall apply for an encroachment permit from the Department of Transportation for any work proposed in the state right-of-way; that documentation with exhibits that show detailed project construction plans including work on the driveway and sidewalk, shall be submitted to the Department of Transportation for review and approval of an encroachment permit;
4. that the applicant shall coordinate with the California Department of Transportation and City of Burlingame Parks Division regarding the planting of at least one new Accolade Elm tree either within the Caltrans right-of-way along El Camino Real or near the front property line on the subject property;
5. that if the backflow preventer and fire riser is relocated to another location on the subject property, the applicant shall coordinate with the Parks Division to determine if an additional tree, of a size and species determined to be appropriate to provide screening, can be planted in its place;
6. that all existing trees to remain, as shown on the plans date stamped May 17, 2016 and January 28, 2015, shall not be removed or damaged, and the applicant shall have an arborist's report prepared which documents how each tree on the site should be protected during construction; this report shall be reviewed and approved by the City Arborist and the contractor shall call for the Arborist to inspect the protection measures installed before a building permit shall be issued;
7. that if any existing tree on the site dies within five years of the final inspection of the project, it shall be replaced with a new, 36-inch box tree with a species determined to be appropriate by the City Arborist; new trees shall be replaced in the same location unless it is determined by the City Arborist that the location should be adjusted based on the site conditions;
8. that a Protected Tree Removal Permit shall be required from the City of Burlingame Parks Division to remove the existing 17.3-inch diameter Deodar Cedar tree on the subject property;

9. that that the applicant shall submit a detailed foundation report for approval by the Building Division and City Arborist to establish the bounds of the pier foundation prior to the issuance of a building permit for construction on the site; if at any time during the construction the pier locations must be altered to accommodate a tree root, the structural changes must be approved by the Building Division prior to the time any such root is cut or damaged;
10. that a certified arborist shall be on site during any grading or digging activities that take place within the designated tree protection zones, including the digging of the pier holes for the pier foundation and digging for removal or installation of any utilities;
11. that the 10' tall fence along the rear property line shall be built after demolition of the existing structures on the site and prior to construction of the new development, as shown on the plans date stamped May 17, 2016;
12. 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;
13. that the maximum elevation to the top of the entry tower and the mansard roof shall not exceed elevation 69.75' and 60.75', respectively, as measured from the average elevation at the top of the curb along El Camino Real (25.25') for a maximum height of 44'-6" to the top of the entry tower and 35'-6" to the top of the mansard roof; the garage floor finished floor elevation shall be elevation 26.15'; and that the top of each floor and final roof ridge shall be surveyed and approved by the City Engineer as the framing proceeds and prior to final framing and roofing inspections. Should any framing exceed the stated elevation at any point it shall be removed or adjusted so that the final height of the structure with roof shall not exceed the maximum height shown on the approved plans;
14. 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);
15. that the conditions of the Building Division's February 5, 2015, December 5, 2014 and September 5, 2014 memos; the Parks Division's January 27, 2015 and August 29, 2014 memos; the Fire Division's January 22, 2015 and August 29, 2014 memos; the Engineering Division's September 12, 2014, November 17, 2011 and July 8, 2011 memos; the Stormwater Division's January 21, 2015 and August 27, 2014 memos shall be met;
16. that storage of construction materials and equipment on the street or in the public right-of-way shall be prohibited;
17. that 'guest parking stall' shall be marked on four guest parking spaces and designated on the final map and plans, these stalls shall not be assigned to any unit, but shall be owned and maintained by the condominium association, and the guest stalls shall always be accessible for parking and not be separately enclosed or used for resident storage;
18. that the Covenants Conditions and Restrictions (CC&Rs) for the condominium project shall require that the four guest parking stalls shall be reserved for guests only and shall not be used by condominium residents;
19. that the final inspection shall be completed and a certificate of occupancy issued before the close of escrow on the sale of each unit;

20. that the developer shall provide to the initial purchaser of each unit and to the board of directors of the condominium association, an owner purchaser manual which shall contain the name and address of all contractors who performed work on the project, copies of all warranties or guarantees of appliances and fixtures and the estimated life expectancy of all depreciable component parts of the property, including but not limited to the roof, painting, common area carpets, drapes and furniture;
21. that the trash receptacles, furnaces, and water heaters shall be shown in a legal compartment outside the required parking and landscaping and in conformance with zoning and California Building and Fire Code requirements before a building permit is issued;
22. that if a security gate system across the driveway is installed in the future, the gate shall be installed a minimum 20'-0' back from the front property line; the security gate system shall include an intercom system connected to each dwelling which allows residents to communicate with guests and to provide guest access to the parking area by pushing a button inside their units;
23. that prior to scheduling the foundation inspection a licensed surveyor shall locate the property corners, set the building envelope;
24. that prior to underfloor frame inspection the surveyor shall certify the first floor elevation of the new structure(s) and the various surveys shall be accepted by the City Engineer;
25. 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;
26. 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;
27. 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;
28. 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;
29. 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;
30. 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;
31. 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;

32. 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;
33. that prior to issuance of a building permit, the applicant shall prepare and submit to the Department of Public Works – Engineering Division a sanitary sewer analysis that assesses the impact of this project to determine if the additional sewage flows can be accommodated by the existing sewer line. If the analysis results in a determination that the existing sewer line requires upgrading, the applicant shall perform the necessary upgrades as determined by the Engineering Division;

Mitigation Measures from Initial Study

Aesthetics

34. *Prior to submittal of plans to the Building Division, the project sponsor shall ensure that building construction plans show exterior lighting and window treatments on the condominium building that are designed to minimize glare and light spillover to adjacent properties.*

The City shall ensure that final design plans include downward directed light fixtures that are low-mounted to reduce light trespass onto adjacent properties. The final design plans shall also include glazing window treatments to minimize the intensity of daylight glare produced by the condominium building.

Air Quality

35. *During construction activities, the following air pollution control measures shall be implemented:*
 - a. *Exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.*
 - b. *All haul trucks transporting soil, sand, or other loose material off-site shall be covered.*
 - 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 power sweeping is prohibited.*
 - d. *All roadways, driveways, and sidewalks shall be paved as soon as possible.*
 - e. *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 [CCR]). Clear signage shall be provided for construction workers at all access points.*
 - f. *All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.*
 - g. *A publicly visible sign shall be posted with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours of a complaint or issue notification. The Bay Area Air Quality Management District's phone number shall also be visible to ensure compliance with applicable regulations.*

Biological Resources

36. *To reduce construction related impacts to special-status bat species, a bat survey shall be conducted between March 1 to July 31 by a qualified wildlife biologist within the year of proposed construction start and prior to ground disturbance. If no bat roosts are detected, then no further action is required. If a colony of bats is found roosting on-site, then the following mitigation will be implemented to reduce the potential disturbance:*
 - a. *If a female or maternity colony of bats are found on the project site, a wildlife biologist through coordination with CDFW shall determine what physical and timed buffer zones shall be employed to ensure the continued success of the colony. Such buffer zones may include a construction-free barrier of 200 feet from the roost and/or the timing of the construction activities outside of the maternity roost season (after July 31 and before March 1).*
37. *To protect the long-term habitat of Mills Creek, the Applicant shall ensure that the creek is not obstructed and human intrusion into the riparian area is minimized. In compliance with Section 1600 of the California Fish and Game Code, the Applicant shall enter into a Streambed Alteration Agreement prior to conducting any construction activities within the creek corridor (defined by the California Department of Fish and Wildlife) as the top of bank plus the outer edge of the dripline of riparian vegetation) which will identify conditions the Applicant will implement. Conditions shall include but not be limited to the implementation of bank stabilization measures, and/or restoration and revegetation of the stream corridor habitat that has been damaged by project construction.*
38. *The Applicant shall obtain a Section 404 Clean Water Act Nationwide Permit from the USACE for impacts to wetlands and waters of the U.S. and comply with the mitigation measures identified in the Hydrology and Water Quality Section to prevent discharge of pollutants to surface waters during construction. This shall include complying with the State's National Pollution Discharge Elimination System General Permit for Discharges of Storm Water Runoff Associated with Construction Activity (General Permit) issued by the Regional Water Quality Control Board (RWQCB). The Applicant shall also obtain a 401 Water Quality Certification from the RWQCB. For permanent removal of jurisdictional perennial creek, the Applicant shall require either replacement of affected acreage at a 1:1 ratio (one acre must be created for every acre lost) or payment of in-lieu fees. For the temporary removal of jurisdictional perennial creek, the City shall restore the area to pre-construction conditions. This may require revegetation of the area using native vegetation appropriate for drainages.*
39. *The applicant shall take the following steps to avoid direct losses of nests, eggs, and nestlings and indirect impacts to avian breeding success:*
 - a. *During the breeding season (Generally February 1 through August 31) a qualified biologist shall survey the project site and large trees within 500 feet and line of sight for nesting raptors and passerine birds not more than 14 days prior to any demolition, construction, or vegetation removal.*
 - b. *If demolition or construction activities occur only during the non-breeding season between August 31 and February 1, no surveys will be required.*
 - c. *Results of positive surveys will be forwarded to CDFW (as appropriate) and avoidance measures will be adopted, if necessary, on a case-by-case basis. These may include construction buffer areas (up to several hundred feet in the case of raptors) or seasonal avoidance.*

Cultural Resources

40. *In the event that buried archaeological resources are discovered during construction, ground-disturbing operations shall stop within 100 feet of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further evaluation. The Applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The archaeologist shall make recommendations concerning appropriate measures that will be implemented to protect the resources, including but not limited to excavation and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. Archeological resources could consist of, but are not limited to, stone, wood, or shell artifacts, structural remains, privies, or historic dumpsites. Any previously undiscovered resources found during construction within the project area should be recorded on appropriate Department of Parks and Recreation (DPR) 523 forms and evaluated for significance in terms of CEQA criteria.*
41. *In the event a fossil is discovered during construction for the project, excavations within 50 feet of the find shall be temporarily halted or delayed until the discovery is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The Applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. If the find is determined to be significant and if avoidance is not feasible, the paleontologist shall design and carry out a data recovery plan consistent with the Society of Vertebrate Paleontology standards.*
42. *In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code § 5097.94 and § 5097.98 must be followed. If during the course of project development there is accidental discovery or recognition of any human remains, the following steps shall be taken:*
 1. *There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the “most likely descendant” (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98.*
 2. *Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the project site in a location not subject to further subsurface disturbance:*
 - a. *The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the commission.*
 - b. *The descendant identified fails to make a recommendation.*
 - c. *The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.*

Geology/Soils

43. *Prior to the issuance of a building permit, the project's plans shall reflect foundations that extend deep enough to penetrate more stable soils. The project applicant shall follow the recommendations of the Geotechnical Investigation, by implementing a pier and grade beam foundation system. Herein, the piers shall penetrate a minimum of 12 feet beneath lowest adjacent grade; have a minimum diameter of 16 inches; be nominally reinforced vertically with a minimum of four No. 4 bars; and be spaced no closer than 4 diameters (center to center). In addition, the actual depth, diameter, reinforcement, and spacing of the piers shall be determined by the structural engineer based upon the design criteria:*
- a. *A friction value of 500 per square foot (psf) may be assumed to act on that portion of the pier within below 2 feet. Lateral support may be assumed to be developed along the length of the pier below 2 feet, using a passive pressure of 350 per cubic foot (pcf) Equivalent Fluid Weight (EFW). Passive resistance may be assumed to act over 1.5 projected pier diameters. Above 2 feet, no frictional or lateral support may be assumed. These design values may be increased 1/3 for transient loads (i.e., seismic and wind).*
 - b. *The bases of the piers' holes should be clean and firm prior to setting steel and pouring concrete. If more than 6 inches of slough exists at the base of the pier holes after drilling, then the slough should be removed. If less than 6 inches of slough exists, the slough may be tamped to a stiff condition. Piers should not remain open for more than a few days prior to casting concrete. In the event of rain, shallow groundwater, or caving conditions, it may be necessary to pour piers immediately.*
 - c. *Because of the presence of groundwater and locally sandy soils, the contractor should be prepared to address pier-hole caving. This may include drill and pour techniques, slurry drilling, or casting the holes. Accumulations of water in the hole is likely to cause side wall collapse and make cleaning the hole difficult. Therefore, holes should not remain open for significant amounts of time.*
 - d. *All perimeter piers and piers under load-bearing walls should be connected by concrete grade beams. Perimeter grade beams should penetrate at a minimum of 6 inches below crawlspace grade (unless a perimeter footing drain is installed to intercept water attempting to enter around the perimeter). Interior grade beams do not need to penetrate below grade. All other isolated floor supports must also be pier supported to resist expansive soil uplift, however they do not need to be connected by grade beams.*
 - e. *In order to reduce any expansive soil uplift forces on the base of the grade beams, the beams either should have a uniform 3-inch void between their base and the soil, or should be constructed with a knife edge and triangular shaped void in a rectangular trench. The void can be created by the use of prefabricated cardboard material (e.g., K-void, Sure-void, Carton-void), half a sonotube faced concave down, or other methods devised by the contractor and approved by the geotechnical engineer. The use of Styrofoam is not acceptable for creating the void.*
 - f. *All improvements connected directly to any pier supported structure, also need to be supported by piers. This includes, but is not limited to: porches, decks, entry stoops and columns, etc. If the designer does not wish to pier support these items, then care must be taken to structurally isolate them (with expansion joints, etc.) from the pier supported structure.*

Hydrology/Water Quality

44. *The project applicant shall prepare and implement a stormwater pollution prevention plan (SWPPP) for all construction activities at the project site. At a minimum, the SWPPP shall include the following:*
- a. *A construction schedule that restricts use of heavy equipment for excavation and grading activities to periods where no rain is forecasted during the wet season (October 1 thru April 30) to reduce erosion associated intense rainfall and surface runoff. The construction schedule shall indicate a timeline for earthmoving activities and stabilization of disturbed soils;*
 - b. *Soil stabilization techniques such as covering stockpiles, hydroseeding, or short-term biodegradable erosion control blankets;*
 - c. *Silt fences, compost berms, wattles or some kind of sediment control measures at downstream storm drain inlets;*
 - d. *Good site management practices to address proper management of construction materials and activities such as but not limited to cement, petroleum products, hazardous materials, litter/rubbish, and soil stockpile; and*
 - e. *The post-construction inspection of all drainage facilities and clearing of drainage structures of debris and sediment.*
45. *The project applicant, before project approval, shall prepare the appropriate documents consistent with San Mateo Countywide Water Pollution Prevention Program (SMCWPPP) and NPDES Provisions C.3 and C.6 requirements for post-construction treatment and control of stormwater runoff from the site. Post-construction treatment measures must be designed, installed and hydraulically sized to treat a specified amount of runoff. Furthermore, the project plan submittals shall identify the owner and maintenance party responsible for the ongoing inspection and maintenance of the post-construction stormwater treatment measure in perpetuity. A maintenance agreement or other maintenance assurance must be submitted and approved by the City prior to the issuance of a final construction inspection.*

Noise

46. *All construction equipment shall use available noise suppression devices and properly maintained mufflers. All internal combustion engines used in the project area shall be equipped with the type of muffler recommended by the vehicle manufacturer. In addition, all equipment shall be maintained in good mechanical condition to minimize noise created by faulty or poorly maintained engine, drive train, and other components.*
47. *During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receptors and as far as possible from the boundary of sensitive receptors.*
48. *Pursuant to the City of Burlingame Municipal Code, the Applicant shall limit construction activities to between 7:00 a.m. and 7:00 p.m. Monday through Friday, Saturdays between 9:00 a.m. and 6:00 p.m. and Sundays and holidays between 10:00 a.m. and 6:00 p.m.*

Ruben Hurin
Senior Planner

c. 1509 El Camino LLC, applicant and property owner

Attachments:

Supplemental Memorandum, prepared by First Carbon Solutions, dated March 9, 2016
Applicant's Responses to December 14, 2015 Planning Commission Meeting, dated May 3, 2016
December 14, 2015 Planning Commission Minutes
April 27, 2015 Planning Commission Minutes
Applicant's Responses to March 23, 2015 Planning Commission Meeting, dated May 3, 2016
March 23, 2015 Planning Commission Minutes
Applicant's Response Letter, dated March 10, 2015
January 28, 2015 Planning Commission Minutes
July 9, 2012 Planning Commission Minutes
July 23, 2007 Planning Commission Minutes
Application to the Planning Commission (revised in July 2014)
Request for General Plan Amendment and Rezoning
Parcel Map of Subject Properties
Fence Exception Application
Photographs of Neighborhood
Tree Assessments and Protected Tree Removal Permit Information
Written Comments Submitted for Revised Initial Study/Mitigated Negative Declaration
Letters of Concern Submitted by the Public for 10-Unit Condominium Proposal
Staff Comments
Proposed Resolutions
Notice of Public Hearing – Mailed July 15, 2016
Aerial Photo

Separate Attachments:

Revised Initial Study/Mitigated Negative Declaration and Appendices, dated October 7, 2015
Responses to Written Comments and Errata, dated December 7, 2015
Mitigation Monitoring and Reporting Program, dated December 7, 2015
Initial Study and Mitigated Negative Declaration, dated January 23, 2013