

City of Burlingame

New Mixed Use Commercial/Residential Development

Item No. 8e
Regular Action Item

Address: 1214-1220 Donnelly Avenue

Meeting Date: August 10, 2020

Request: Application for Mitigated Negative Declaration, Amendment to the Downtown Specific Plan and Zoning Code to allow a multi-family residential use, Conditional Use Permit for building height, Condominium Permit and Lot Merger for construction of a new three-story, 14-unit mixed use commercial/residential development.

Applicant: John Britton

APN: 029-151-150, -160 and -170

Architect: Gary Gee Architects, Inc.

Lot Area: 15,706 SF (combined lots)

Property Owner: Britton Trust

General Plan: Burlingame Downtown Specific Plan: Donnelly Avenue Area

Zoning: DAC

Adjacent Development: Public parking lot, retail and multifamily residential.

Design Review Study Meeting (October 28, 2019): On October 28, 2019, the Planning Commission held a design review study meeting to review changes made to the proposed project. Please refer to the attached October 28, 2019 Planning Commission Minutes for a complete list of comments and concerns expressed by the Planning Commission.

The architect submitted a response letter, dated July 7, 2020, and revised plans, date stamped July 9, 2020, to address the Commission's comments. Please refer to the applicant's letter for a detailed discussion of the changes made to the project since the design review study meeting.

Environmental Scoping and Design Review Study Meeting (October 9, 2018): On October 9, 2018, the Planning Commission held an environmental scoping and design review study meeting to review the proposed project. Please refer to the attached October 9, 2018 Planning Commission Minutes for a complete list of comments and concerns expressed by the Planning Commission and the public.

The architect submitted a response letter dated October 22, 2019, and revised plans and materials packet date stamped October 15, 2019, to address the Commission's comments. Please refer to the applicant's letter for a detailed discussion of the changes made to the project since the initial design review study meeting.

Background: On November 23, 2013, a fire destroyed the existing structure at 1218 Donnelly Avenue (containing two residential units). In February of 2015, a demolition permit was issued to demolish the existing building at 1218 Donnelly Avenue, as well as an existing single story building (containing one residential unit) at the rear of the site. The fire also spread to a portion of the building at 1214 Donnelly Avenue (previously containing residential and office uses). The structures at 1220 Donnelly Avenue (containing three residential units in the front building and one residential unit in the rear building) were not damaged by the fire.

The structure at 1214 Donnelly Avenue (referred to as the "Gates House") was identified as a potentially historic property in the Draft Inventory of Historic Places prepared in conjunction with the Burlingame Downtown Specific Plan. A Historic Resource Evaluation was prepared for this property, which concluded that 1214 Donnelly Avenue was not architecturally significant, but that it was eligible for individual listing on the California Register of Historical Resources under Criterion 1 (Events) for its association with early settlement patterns in the town of Burlingame, and Criterion 2 (Persons) for its association with original owner and long-time occupant George W. Gates (the third stationmaster for the Burlingame railroad station).

The structure at 1214 Donnelly Avenue remained vacant and exposed to the elements since the date of the fire, though the site was secured with a fence as required by the City. Concerned with the damage the building sustained from the fire and exposure to the elements for several years, the property owner contacted the Community Development Department to explore the possibility of demolishing the structure in advance of a new development being approved for the site.

Based on the Chief Building Official's assessment of the condition of the structure, and his finding that the structure was substandard, unsafe, contained evidence of illicit activities, and could not be reasonably rebuilt, issuance of a Demolition Permit was warranted in order to mitigate the impacts upon the public health and safety. A Demolition Permit was issued in May 2018 and the structure was demolished shortly thereafter.

As noted in the Initial Study/Mitigated Negative Declaration prepared for the project (attached), because the Gates House was demolished in 2018, there are no longer any potentially historic resources on the project site and therefore there were no mitigations to require any commemoration of either early settlement patterns in the town or of George W. Gates on the site. At this time, the applicant has declined to include a commemoration of either early settlement patterns in the town or of George W. Gates, as the environmental review did not identify it as a mitigation.

Project Summary: The project site is located midblock on Donnelly Avenue between Primrose Road and Lorton Avenue. The project site consists of three separate lots (1214, 1218 and 1220 Donnelly Avenue) which would be combined into one lot for the proposed project. The site is surrounded by multifamily residential buildings to the north, retail buildings and parking lots to the south, public parking lots to the west and retail buildings to the east.

The proposal includes construction of a new three-story mixed use commercial/residential development consisting of a commercial use on the ground floor and 14 residential condominium units on the second and third floors. All existing buildings remaining on the lots would be demolished to build the proposed development. Parking for 23 vehicles will be provided in an enclosed garage located behind the commercial space.

The ground floor will consist of approximately 4,704 SF of commercial space, which can be configured as one or two tenant spaces with storefront entrances on Donnelly Avenue. The ground floor will also contain an entry court and lobby providing pedestrian access to the residential units on the second and third floors. The remainder of the ground floor will contain rooms for utilities, resident bicycle storage, trash/recycling containers and general storage.

The second and third floors will contain 12, 2-bedroom units and 2, 1-bedroom units for a total of 14 residential units. Each unit will contain a living/dining area, kitchen, one or two bathrooms, laundry closet and one or two bedrooms. The residential units range from 528 SF to 1,040 SF in area, with an average unit size of 913 SF. In the zoning districts within the Downtown Specific Plan, the average maximum unit size permitted is 1,250 SF. The common open space required for the residential units is provided on the podium level (second floor) above the garage at the rear of the site.

The following applications required for this project:

- Amendment to the Downtown Specific Plan (Donnelly Avenue Area) and Donnelly Avenue Commercial (DAC) District to allow residential use above the first floor on properties located north of Donnelly Avenue that have sole frontage on Donnelly Avenue;
- Design Review for construction of a new three-story, mixed use commercial/residential building with at-grade parking (C.S. 25.36.045, 25.57.010 (c)(1) and Chapter 5 of the Downtown Specific Plan);
- Conditional Use Permit for building height (43'-10" to top of parapet and 54'-3" to top of stairway enclosure proposed, where a Conditional Use Permit is required for any building exceed 35'-0"; 55'-0" maximum building height allowed) (C.S. 25.36.055);
- Condominium Permit for 14 residential condominium units (each unit to be privately owned) (C.S. 26.30.020); and
- Lot Merger to combine three existing lots (1214, 1218 and 1220 Donnelly Avenue) into one lot.

Design Review: Design Review is required for new mixed use building pursuant to Code Sections 25.36.045 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 5-3 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 5-26) provides more general design guidelines that apply to all areas of the downtown. The relevant pages of the plan have been included as an attachment for convenience of commissioners.

The proposed exterior facades will consist of a variety of materials including cement plaster siding (smooth steel troweled finish), Hardie “Reveal” panel system and trim (along blind wall on east elevation), smooth lap siding and exposed concrete or concrete block at the blind walls, decorative metal guardrails, decorative foam relief panels, and metal clad wood windows with simulated true divided lites on the upper floor residential units. The ground floor treatment will include aluminum window sashes, painted wood entry doors, canvas awnings and a painted metal garage door. The upper edge of the building will consist of varying architectural elements, including Spanish barrel clay roof tiles with foam eave brackets/corbels, a wood trellis along the front façade, and articulated parapets with ornamental metal trim. Details of the architectural elements are provided on sheet A3.1a, as well as in the materials binder (separate attachment).

Building Height: The Donnelly Avenue Commercial District states that no building shall exceed a height of 55'-0" and that a Conditional Use Permit is required for any building which exceeds 35'-0" in height. As measured from average top of curb level, the proposed height will be 43'-10" to the top of the building parapet and 54'-3" to the top of the stairway enclosure (the stair enclosure on the roof extends more than 10'-0" above the top of parapet and therefore is counted as part of the building height).

Off-Street Parking: The proposed project consists of 4,704 SF of commercial space on the ground floor and 14 residential units on the second and third floors. Retail, personal service and food establishment uses located on the ground floor within the parking sector of the Burlingame Downtown Specific Plan are exempt from vehicle parking requirements as set forth in code section 25.70.090 (a). The subject property is located within the parking sector; therefore no additional off-street parking is required for the proposed commercial use on the ground floor. The commercial tenant has not yet been determined.

Off-street parking is required for the residential units on the upper floors. For residential uses within the Downtown Specific Plan, the proposed project is required to provide 20 parking spaces for the residents of the units (1.5 spaces for each two-bedroom unit and 1 space for each 1-bedroom unit) and an area for a service/delivery vehicle, for a total of 21 parking spaces. There is no guest parking required on-site for properties located within the Downtown Specific Plan. The at-grade garage, located behind the commercial space, provides a total of 23 parking spaces (21 spaces in a puzzle stacker, one disabled-accessible space and one service/delivery vehicle space). Access to the garage would be from Donnelly Avenue by way of an 18'-0" wide driveway at the west end of the property.

Twenty-one parking spaces would be provided by way of a puzzle car stacker system. A puzzle stacker is a mechanical parking option that provides independent access to all cars parked on the system. The puzzle stacker to be installed is a KlausTrendVario 4200 (see attached specifications) and is able to accommodate passenger cars and medium size vans and SUVs.

The Municipal Code does not include specifications for parking lift systems, so the City currently does not have a standard mechanism for review and approval. However, as a policy the Downtown Specific Plan encourages “creative approaches” to providing on-site parking including vehicle puzzle stackers. Puzzle stackers could be considered “creative approaches” to providing the required on-site parking, and therefore be consistent with the Downtown Specific Plan. To date, the City has approved several commercial and residential projects with parking lift systems including puzzle stackers.

Common and Private Open Space: There is a total of 2,695 SF (192.5 SF/unit) of common open space proposed for the residential condominium units where 1,400 SF (100 SF/unit) is required. The common open space is provided on the podium level at the rear of the building. Of the required common open space, a minimum of 50% must be in soft landscaping (700 SF); 710 SF of the provided common open space is proposed to be landscaped and therefore is in compliance. There is 87 SF to 338 SF in private open space per unit (75 SF/unit is the minimum required) provided in balconies.

Landscaping: Proposed landscaping throughout the site is shown on the Planting Plans (see sheets L1.1 through L2.2). A variety of plants and shrubs are proposed along the front of the building, as well as on the podium level at the rear of the building within the common open space. Permeable and brick pavers along the building frontage provide walkways to the commercial and residential components of the building and seating areas for the ground floor commercial spaces.

Four existing trees, located at the front of the property at 1214 Donnelly Avenue, are proposed to be removed. One of the three trees, a 20-inch diameter Brisbane box, qualifies as a protected size tree. The applicant will be required to apply for and obtain a Protected Tree Removal Permit from the Parks Division in order to remove this tree. The applicant provided a Tree Survey, prepared by SBCA Tree Consulting and dated April 1, 2016, to identify the trees within the project property that are subject to the City's Reforestation Ordinance (see attached). The survey provides tree protection measures for the existing street tree which was to remain at the time the survey was prepared. However, in consultation with the City Arborist it was determined that this street tree should be replaced (see below).

There is one existing street tree, a Sycamore/London plane tree, along Donnelly Avenue in front of the project property. The Parks Division is requiring that this existing street tree be replaced by five new 36-inch box street trees to achieve uniformity along the project frontage (see Planting Plan, sheet L1.1).

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Table 1 - Compliance with DAC Regulations

Lot Area: 15,706 SF

Plans date stamped: July 9, 2020

	Proposed	Allowed/Required
Land Use:	4,704 SF commercial space on ground floor 14 residential units on upper floors ¹	commercial use allowed as a permitted use
Lot Size:	15,706 SF (combined)	5,000 SF minimum
Street Frontage:	146.94 feet	50'-0" minimum
Setbacks and Build-to-line: Front (Donnelly Avenue):	varies from 3'-5" to 11'-11" 75% of the of building is located within 10' of the front property line)	no minimum required at least 60% of building must be located at front property line or no more than 10' from the front property line)
Left Side Setback:	0'-0"	no minimum required
Right Side Setback:	0'-0"	no minimum required
Rear Setback:	0'-0"	no minimum required
Building Height:	43'-10" to top of parapet ² 54'-3" to top of stair enclosure ²	55'-0" maximum >35'-0" with CUP
Ground Floor Ceiling Height:	15'-0"	15'-0" minimum
Off-Street Parking:	21 spaces in puzzle stacker 1 disabled-accessible space <u>1 service/delivery space</u> 23 spaces	12, 2 bdrm units x 1.5 = 18 spaces 2, 1 bdrm units x 1 = 2 spaces <u>service/delivery space = 1</u> 21 spaces
Private Open Space:	87 SF – 338 SF/unit	75 SF per unit
Common Open Space: SF Landscaped:	2,695 SF 710 SF (50.7% of required)	1,400 SF 700 SF (50% of required)

¹ Amendment to the Downtown Specific Plan (Donnelly Avenue) and Donnelly Avenue Commercial District to allow residential use above the first floor on properties located north of Donnelly Avenue that have sole frontage on Donnelly Avenue

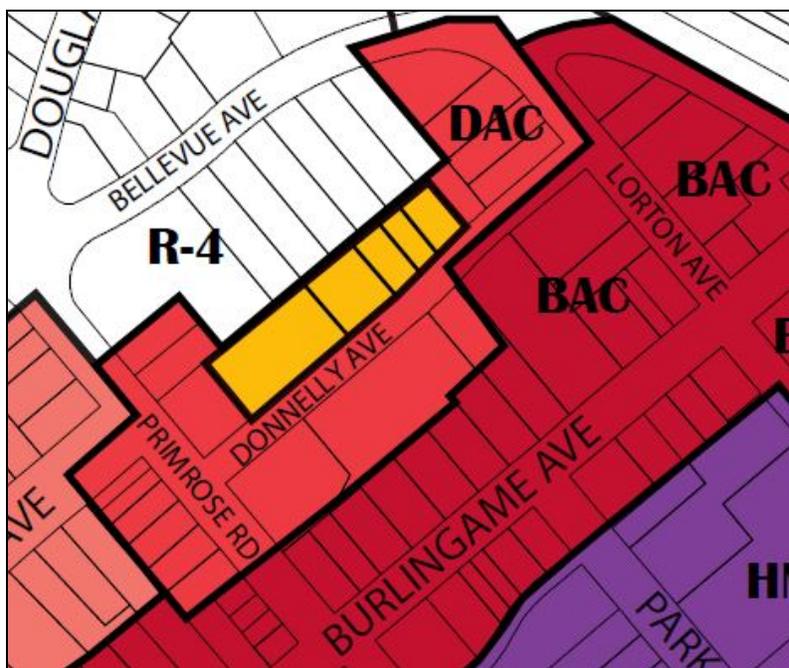
² Conditional Use Permit for building height (43'-10" to top of parapet and 54'-3" to top of stairway enclosure proposed, where a Conditional Use Permit is required for any building exceed 35'-0").

General Plan and Zoning: The General Plan designates the site as *Downtown Specific Plan*. In 2010 the City Council adopted the Burlingame Downtown Specific Plan, which serves as an element of the General Plan. Within the Downtown Specific Plan, the site is located in the Donnelly Avenue Area and is described as follows:

The Donnelly Avenue area consists of properties on either side of Donnelly Avenue between Primrose Road and Lorton Avenue. Ground floor retail use is allowed but not required. Existing residential uses may remain and be improved, but new residential uses are not allowed.

Currently, the Donnelly Avenue Area within the Downtown Specific Plan and the Donnelly Avenue Commercial (DAC) zoning regulations do not permit residential uses of any type.

With this application, the applicant is requesting that the Planning Commission consider amending the Downtown Specific Plan (Donnelly Avenue Area) and DAC zoning regulations to allow residential use above the first floor, only on those properties within the DAC zone that lie north of Donnelly Avenue that have sole frontage on Donnelly Avenue (see highlighted properties in the map below). This would include the project site (three lots) and two public parking lots. One rationale for this rather limited amendment is that the Donnelly Avenue facing properties are adjacent to primarily multifamily residential land uses to the rear on the north side of that block (facing Bellevue Avenue), and as such would be compatible with the adjacent residential uses. The property at 1210-1212 Donnelly Avenue was not included because based on its substandard lot size (4,132 SF) and lot width (41.29'), it would be difficult to develop the site with a mixed use residential building given that parking for residential uses is required to be provided onsite (whereas commercial and office uses are either exempt or may be provided through payment of in-lieu fees).



The Downtown Specific Plan includes various Goals and Policies to guide growth and development in Downtown Burlingame. The proposed mixed use development, which includes residential units above ground floor commercial space, is consistent with Policy LU-6.1, which encourages allowing housing in the Howard Avenue area as well as on the periphery of Downtown. The table on the following pages shows how the proposed project meets these Goals and Policies.

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GOAL/POLICY	PROJECT PROPOSED
<p>Goal LU-3: Ensure sensitive transitions between the existing adjacent residential areas and the downtown area.</p>	<p>The proposed three-story mixed use commercial/residential development provides a sensitive transition between the commercial Downtown area and residential neighborhood to the north.</p>
<p>Goal LU-6: Promote diversity in housing type and affordability within the Downtown area.</p>	<p>The proposed mixed use development provides housing within the Downtown area in a mix of 1 and 2-bedroom units.</p>
<p>Goal LU-6.1: Allow housing in the Howard Avenue area as well as on the periphery.</p>	<p>The proposed mixed use development, located on the periphery of the Downtown area, includes residential units above ground floor commercial space.</p>
<p>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.</p>	<p>Less land is devoted for parking by using a puzzle car stacker system.</p>
<p>Policy P-1.3: Conceal parking areas through the use of attractively designed above- or below-ground parking structures.</p>	<p>The parking for the project does not dominate the street frontage and has been concealed by locating it behind the ground floor building façade with one driveway access to the garage.</p>
<p>Policy C-2.6: Consider the needs of pedestrian, bicycles, and people with disabilities.</p>	<p>Secured bicycle storage for commercial and residential tenants is provided on the ground floor.</p>
<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>An existing street tree, a Sycamore/London plane tree, will be replaced with five new 36-inch box street trees to achieve uniformity along the project frontage, as required by the Parks Division.</p>
<p>Policy D-1.1 Ensure that new construction fits into the context and scale of the existing downtown.</p>	<p>The project is consistent with the diverse architectural styles of existing commercial and residential buildings in the area characterized by simple massing, an articulated façade with windows, entry doors and awnings on the ground floor, and articulated walls and fenestration on the upper floors, including covered balconies, substantial recesses and varied architectural features throughout the building; the project mediates between existing buildings in the area ranging from one to three stories in height and a six-story office building at the corner of Donnelly Avenue and Primrose Road, is well articulated, and embraces the street and the pedestrian realm. The building is characterized by a single contemporary architectural style and its design fits the site and is compatible with the surrounding development by exhibiting thoughtful massing, character and pedestrian scale, and successfully creates a good transition between the existing commercial neighborhood and the residential neighborhood to the north with well-articulated massing and a variety of architectural elements and textures.</p>

GOAL/POLICY	PROJECT PROPOSED
<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>Policy D-3.1: Ensure that new development is appropriate to Burlingame with respect to size and design.</p> <p>Policy D-3.2: Evaluate development in the Downtown Area that is proposed to be taller than surrounding structures (i.e. over 40 feet) for potential to create new shadows or shade on public and/or quasi-public open spaces and major pedestrian routes.</p>	<p>The proposed project is subject to the design review process.</p>

Affordable (Below-Market Rate) Units: 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. The applicant has not chosen to apply any of the development standard incentives offered by the Density Bonus Ordinance and therefore is not providing any affordable units as part of the project.

Commercial and Residential Linkage Fees: Commercial linkage fees are required for those projects that contain more than 5,000 SF of commercial space. Because the proposed project contains 4,704 SF of commercial space, payment of the commercial linkage fees are not required for this project.

Since this application was deemed complete prior to adoption of the residential linkage fees, payment of these fees are not required for this 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.

Based on the proposed mixed use commercial/residential development (4,704 SF of commercial space and 14 residential units) and providing a credit for the existing 9,500 SF of office and seven residential units, payment of the public facilities impact fee is not required since the amount for the proposed project was calculated to be less than the amount for the existing uses.

Environmental Review: On October 9, 2019 the Planning Commission held an Environmental Scoping meeting where staff requested the Planning Commission to provide comments on any potential environmental effects to be considered in the CEQA document. An Initial Study/Mitigated Negative Declaration (IS/MND) for the project was prepared and determined that there were no environmental impacts that were identified that could not be mitigated to less than significant levels.

The 30-day public review period occurred from May 15, 2020 to June 15, 2020 and no comments were received. Based on the environmental analysis, it was determined that the proposed project would have no adverse

environmental impacts on the environmental in the areas of agriculture and forestry services, energy, greenhouse gas emissions, hydrology and water quality, land use and planning, mineral resources, population/housing, public services, recreation, transportation and wildfire. 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, hazards and hazardous materials, noise, tribal cultural resources, and utilities and service systems, mitigations measures were identified to reduce adverse impacts to acceptable levels.

The Initial Study/Mitigated Negative Declaration (ND-607P) is attached for reference. The mitigation measures in the Initial Study/ Mitigated Negative Declaration have been incorporated into the recommended conditions of approval (in italics).

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 environmental in the areas of agriculture and forestry services, energy, greenhouse gas emissions, hydrology and water quality, land use and planning, mineral resources, population/housing, public services, recreation, transportation and wildfire. 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, hazards and hazardous materials, noise, tribal cultural resources, and utilities and service systems, 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 Amendment to the Downtown Specific Plan (Donnelly Avenue) and Donnelly Avenue Commercial (DAC) District: In acting on the request to amend the Downtown Specific Plan and DAC District zoning regulations to allow residential use above the first floor, only on those properties within the DAC zone that lie north of Donnelly Avenue that have sole frontage on Donnelly Avenue, the Planning Commission should state the reasons such action is appropriate. The Commission must state why the changes are consistent with the policies of the General Plan, in particular the Land Use Element of the General Plan, and the DAC Zoning District.

Suggested Findings for Amendment to the Downtown Specific Plan (Donnelly Avenue) and Donnelly Avenue Commercial (DAC) District: That the proposed mixed use development, which includes residential units above ground floor commercial space, is consistent with Policy LU-6.1, which encourages allowing housing in the Howard Avenue area as well as on the periphery of Downtown; that the Donnelly Avenue facing properties are adjacent to primarily multifamily residential land uses to the rear on the north side of that block (facing Bellevue Avenue), and as such would be compatible with the adjacent residential uses. For these reasons, the Amendment to the Downtown Specific Plan (Donnelly Avenue) and Donnelly Avenue Commercial District may be found to be consistent with the policies of the Land Use Element of the General Plan and DAC Zoning District.

Design Review Criteria: The criteria for design review in mixed use districts is detailed in Code Section 25.57.030 (g) and requires the proposed project to be reviewed by the Planning Commission for the following considerations:

- (1) Support of the pattern of diverse architectural styles that characterize the city's commercial, industrial and mixed use areas; and

- (2) Respect and promotion of pedestrian activity by placement of buildings to maximize commercial use of the street frontage, off-street public spaces, and by locating parking so that it does not dominate street frontages; and
- (3) On visually prominent and gateway sites, whether the design fits the site and is compatible with the surrounding development; and
- (4) Compatibility of the architecture with the mass, bulk, scale, and existing materials of existing development and compatibility with transitions where changes in land use occur nearby; and
- (5) Architectural design consistency by using a single architectural style on the site that is consistent among primary elements of the structure, restores or retains existing or significant original architectural features, and is compatible in mass and bulk with other structures in the immediate area; and
- (6) Provision of site features such as fencing, landscaping, and pedestrian circulation that enriches the existing opportunities of the commercial neighborhood.

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

- that the project is consistent with the diverse architectural styles of existing residential and commercial buildings in the area characterized by simple massing, an articulated façade with windows, entry doors and awnings on the ground floor, and articulated walls and fenestration on the upper floors, including covered balconies, substantial recesses and varied architectural features throughout the building; the project mediates between existing buildings in the area ranging from one to three stories in height and a six-story office building at the corner of Donnelly Avenue and Primrose Road, is well articulated, and embraces the street and the pedestrian realm;
- that the architectural style is compatible with adjacent neighborhoods and the City as a whole, and that human scale is provided at the street level by incorporating several entry elements and canvas awnings along the front of the building, and on the upper levels individual balconies provide residential scale and character;
- that parking for the project does not dominate the street frontage because the garage has been located behind the ground floor building façade with one driveway access to the garage measuring 18 feet in width, or 12.2% of the frontage along Primrose Road;
- that the building is characterized by a single contemporary architectural style and its design fits the site and is compatible with the surrounding development by exhibiting thoughtful massing, character and pedestrian scale, and successfully creates a good transition between the existing commercial neighborhood and the residential neighborhood to the north with well-articulated massing and a variety of architectural elements, textures and colors;
- that the building is compatible with the mass, bulk, scale, and existing materials of existing development in that the exterior building materials include cement plaster siding (smooth steel troweled finish), Hardie "Reveal" panel system and trim (along blind wall on east elevation), smooth lap siding and exposed concrete or concrete block at the blind walls, decorative metal guardrails, decorative foam relief panels, and metal clad wood windows with simulated true divided lites on the upper floor residential units; aluminum window sashes, painted wood entry doors, canvas awnings and a painted metal garage door on the ground floor; and varying architectural elements, including Spanish barrel clay roof tiles with foam eave brackets/corbels, a wood trellis along the front façade, and articulated parapets with ornamental metal trim along the upper portion of the building; and

- that site features such as low stucco walls and entry gates, a variety of landscaping and hardscape along the front of the building, and pedestrian circulation will enrich the existing opportunities of the commercial neighborhood.

Findings for a Conditional Use Permit: In order to grant a Conditional Use Permit for building height, the Planning Commission must find that the following conditions exist on the property (Code Section 25.52.020, a-c):

- (a) The proposed use, at the proposed location, 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;
- (b) The proposed use will be located and conducted in a manner in accord with the Burlingame general plan and the purposes of this title;
- (c) The planning commission may impose such reasonable conditions or restrictions as it deems necessary to secure the purposes of this title and to assure operation of the use in a manner compatible with the aesthetics, mass, bulk and character of existing and potential uses on adjoining properties in the general vicinity.

Suggested Findings for a Conditional Use Permit: The project may be found to be compatible with the requirements of the City's criteria for design review based on the following:

- that the proposed three-story building, measuring 43'-10" to the top of the building parapet and 54'-3" to the top of the stairway enclosure, at the proposed location, 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, since it is well articulated with substantial recesses and will be compatible with buildings in the area that are one to six stories in height;
- that the proposed mixed use commercial/residential use will be located and conducted in a manner in accord with the Burlingame general plan and the purposes of this title;
- that reasonable conditions are proposed to assure operation of the use in a manner compatible with the aesthetics, mass, bulk and character of existing and potential uses on adjoining properties in the general vicinity.

Criteria for Permitting a 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 Permitting a Condominium:

- that the 14-unit mixed use commercial/residential development is compatible with the surrounding development by exhibiting thoughtful massing, character and pedestrian scale, and successfully creates a good transition between the existing commercial buildings in the neighborhood and the residential neighborhood to the north, and will not have a significant impact on public health, safety and general welfare;
- that based on the environmental analysis, it was determined that the proposed project would have no adverse environmental impacts (with mitigations for utilities) on schools, parks, utilities, neighborhoods, streets, traffic, parking and other community facilities and resources; and
- that this application includes a request for Amendment to the Downtown Specific Plan (Donnelly Avenue Area) to allow residential use above the first floor.

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. Amendment to the Downtown Specific Plan (Donnelly Avenue Area) and Donnelly Avenue Commercial District to allow residential use above the first floor on properties located north of Donnelly Avenue that have sole frontage on Donnelly Avenue.
3. Design Review.
4. Conditional Use Permit for building height.
5. Condominium Permit.
6. Lot Merger.

Since the City Council is the final decision-making body regarding the request for Amendment to the Downtown Specific Plan and Donnelly Avenue Commercial District, 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 Mitigated Negative Declaration/Initial Study (shown in italics). 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 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:

Please note that the conditions below include mitigation measures taken from the Mitigated Negative Declaration/Initial Study (shown in italics). 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 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 July 9, 2020, sheets A0.0 through A4.3, C-1 through C-3 and L1.1 through L2.2;
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 Planning Commission, or City Council on appeal; 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 prior to issuance of a building permit, the applicant shall apply for a tentative and final condominium map with the Public Works, Engineering Division for processing in conformance with the Subdivision Map Act;
4. 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);
5. that the final inspection shall be completed and a certificate of occupancy issued before the close of escrow on the sale of each unit;
6. 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;
7. that a Klaus TrendVario 4200 parking lift system, or an equivalent parking lift system, shall be installed, with the following conditions:
 - a. the parking lifts shall be properly illuminated to provide safety for easy loading and unloading, while not causing excessive glare.
 - b. signage shall be installed explaining the proper use of the lifts and emergency contact information for lift maintenance or problems.
 - c. the final design of the parking lifts shall be subject to the review and approval of the Community Development Director.
8. that if the City determines that the structure interferes with City communications in the City, the property owner shall permit public safety communications equipment and a wireless access point for City communications to be located on the structure in a location to be agreed upon by the City and the property owner. The applicant shall provide an electrical supply source for use by the equipment. The applicant shall permit authorized representatives of the City to gain access to the equipment location for purposes of installation, maintenance, adjustment, and repair upon reasonable notice to the property owner or owner's successor in interest. This access and location agreement shall be recorded in terms that convey the intent and meaning of this condition;
9. that all construction shall abide by the construction hours established in the Municipal Code;

10. 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 construction parking plan to provide worker parking off site and generally off neighborhood streets, with shuttles or other transportation as needed to transport workers to the site;
 - b. 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;
 - c. 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;
 - d. Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures would occur;
 - e. 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
 - f. 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.

11. that the applicant shall submit an erosion and sedimentation control plan describing BMPs (Best Management Practices) to be used to prevent soil, dirt and debris from entering the storm drain system; the plan shall include a site plan showing the property lines, existing and proposed topography and slope; areas to be disturbed, locations of cut/fill and soil storage/disposal areas; areas with existing vegetation to be protected; existing and proposed drainage patterns and structures; watercourse or sensitive areas on-site or immediately downstream of a project; and designated construction access routes, staging areas and washout areas;

12. that the applicant shall submit a Construction Noise Control Plan. This plan would include measures such as:
 - Using smaller equipment with lower horsepower or reducing the hourly utilization rate of equipment used on the site to reduce noise levels at 50 feet to the allowable level.
 - Locating construction equipment as far as feasible from noise-sensitive uses.
 - Requiring that all construction equipment powered by gasoline or diesel engines have sound control devices that are at least as effective as those originally provided by the manufacturer and that all equipment be operated and maintained to minimize noise generation.
 - Prohibiting gasoline or diesel engines from having unmuffled exhaust systems.
 - Not idling inactive construction equipment for prolonged periods (i.e., more than 5 minutes).
 - Constructing a solid plywood barrier around the construction site and adjacent to operational businesses, residences, or other noise-sensitive land uses.
 - Using temporary noise control blanket barriers.
 - Monitoring the effectiveness of noise attenuation measures by taking noise measurements.
 - Using “quiet” gasoline-powered compressors or electrically powered compressors and electric rather than gasoline- or diesel-powered forklifts for small lifting.

13. 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;
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;
16. 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;
17. 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;
18. 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;
19. 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;
20. 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;
21. that the applicant shall coordinate with the City of Burlingame Parks Division regarding the planting of five (5) street trees along Donnelly Avenue;
22. 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;
23. 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;
24. that the applicant shall comply with Ordinance 1503, the City of Burlingame Storm Water Management and Discharge Control Ordinance;
25. that the project shall meet all the requirements of the California Building and Uniform Fire Codes, as amended by the City of Burlingame;
26. that this project shall comply with Ordinance No. 1477, Exterior Illumination Ordinance;

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

27. that prior to scheduling the foundation inspection a licensed surveyor shall locate the property corners, set the building envelope;
28. 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 Building Division;
29. 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;
30. 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;
31. that the maximum elevation to the top roof parapet shall not exceed elevation 143.90', as measured from the average elevation at the top of the curb along Donnelly Avenue (100.34') for a maximum height not to exceed 43'-10" to the top of the parapet; the garage finished floor elevation shall be elevation 100.34'; the top of each floor and final roof ridge shall be surveyed by a licensed surveyor who shall provide certification of that height to the Building Division; 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;

The following conditions of approval are from Downtown Specific Plan:

32. the project sponsor shall implement all appropriate control measures from the most currently adopted air quality plan at the time of project construction;
33. 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.
34. the project sponsor shall provide adequate secure bicycle parking in the plan area at a minimum ratio of 1 bicycle spot for every 20 vehicle spots;
35. the condominium management shall post and update information on alternate modes of transportation for the area (i.e. bus/shuttle schedules and stop locations, maps);
36. the project sponsor shall incorporate commercial energy efficiency measures such that energy efficiency is increased to 15% beyond 2008 title 24 standards for electricity and natural gas;

37. 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;
38. the project sponsor shall incorporate residential water efficiency measures such that water consumption is decreased by a minimum of 10 percent over current standard water demand factors;
39. that construction shall avoid the March 15 through August 31 avian nesting period to the extent feasible, as determined by staff. 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;
40. 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;
41. 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.
42. 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;
43. 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.

44. 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.
45. 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;
46. 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
47. 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.

Mitigation Measures from Initial Study**Aesthetics**

48. *The project developer shall install low-profile, low-intensity lighting directed downward to minimize light and glare. Exterior lighting shall be low mounted, downward casting, and shielded. In general, the light footprint shall not extend beyond the periphery the property. Implementation of exterior lighting fixtures on all buildings shall also comply with the standard California Building Code (Title 24, Building Energy Efficiency Standards) to reduce the lateral spreading of light to surrounding uses, consistent with City Municipal Code 18.16.030 that requires that all new exterior lighting for residential developments be designed and located so that the cone of light and/or glare from the light element is kept entirely on the property or below the top of any fence, edge or wall. In addition, lighting fixtures would not be located more than nine feet above adjacent grade or required landing; walls or portions of walls would not be floodlit; and only shielded light fixtures which focus light downward would be used, except for illuminated street numbers required by the fire department.*

Air Quality

49. *During any construction period ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less-than-significant level. Additional measures are identified to reduce construction equipment exhaust emissions. The contractor shall implement the following BMPs that are required of all projects:*
- 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.*
 - 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 vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).*
 - e. *All roadways, driveways, and 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 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.*
 - 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.*
50. *The project shall develop a plan demonstrating that the off-road equipment used on site to construct the project would achieve a fleet-wide average 20- percent reduction in DPM exhaust emissions or greater. One feasible plan to achieve this reduction would include the following:*
- a. *All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more*

than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 3 engines that include CARB- certified Level 3 Diesel Particulate Filters (DPF)12 or equivalent. Alternatively, equipment that meets U.S. EPA Tier 4 standards for particulate matter or the use of equipment that includes electric or alternatively-fueled equipment (i.e., non- diesel) would meet this requirement.

Biological Resources

51. *Activities related to the project, including, but not limited to, vegetation removal, ground disturbance, and construction and demolition shall occur outside of the bird breeding season (February 1 through August 31) if feasible. If construction will commence during the breeding season, then a pre-construction nesting bird survey shall be conducted no more than 7 days prior to initiation of ground disturbance and vegetation removal. The nesting bird pre-construction survey shall be conducted within the disturbance footprint and a 300-foot buffer for raptors and 150-foot buffer for passerines where access can be authorized. The survey shall be conducted by a biologist familiar with the identification of avian species known to occur in San Mateo County.*

If nests are found, an avoidance buffer (which is dependent upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site) shall be determined and demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. No ground disturbing activities shall occur within this buffer until the avian biologist has confirmed that breeding/nesting is completed, and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist.

Cultural Resources

52. *In the event Native American or other archaeological resources are encountered during construction, work shall be halted within 100 feet of the discovered materials and workers shall avoid altering the materials and their context until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations.*

If an archaeological site is encountered in any stage of development, a qualified archeologist will be consulted to determine whether the resource qualifies as an historical resource or a unique archaeological resource. In the event that it does qualify, the archaeologist will prepare a research design and archaeological data recovery plan to be implemented prior to or during site construction. The archaeologist shall also prepare a written report of the finding, file it with the appropriate agency, and arrange for curation of recovered materials.

53. *In the event that human remains are discovered during project construction, 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 origin, the Lead Agency shall work with the Native American Heritage Commission and the applicant to develop an agreement for treating or disposing of the human remains.*

Geology and Soils

54. *Project design and construction shall adhere to Title 18, Chapter 18.28 of the City Municipal Code, and demonstrate compliance with all design standards applicable to the California Building Code Zone 4 would ensure maximum practicable protection available to users of the buildings and associated infrastructure.*
55. *Foundations of the project will be reinforced to tolerate differential soil movement. The project may be supported on a reinforced concrete mat foundation bearing on a properly prepared and compacted soil subgrade and a non-expansive fill section. Alternately, the project may be supported on a conventional spread footing foundation bearing on stiff native soils. Implementation of a reinforced foundation would reduce the potential for damage caused by liquefaction.*
56. *Project design and construction, including excavation activities, shall comply with Chapter 33 of the CBC, which specifies the safety requirement to be fulfilled for site work. This would include prevention of subsidence and pavement or foundations caused by dewatering.*
57. *The applicant shall prepare a monitoring program to determine the effects of construction on nearby improvements, including the monitoring of cracking and vertical movement of adjacent structures, and nearby streets, sidewalks, utilities, and other improvements. As necessary, inclinometers or other instrumentation shall be installed as part of the shoring system to closely monitor lateral movement. The program shall include a pre-construction survey including photographs and installation of monitoring points for existing site improvements.*
58. *A discovery of a paleontological specimen during any phase of the project shall result in a work stoppage in the vicinity of the find until it can be evaluated by a professional paleontologist. Should loss or damage be detected, additional protective measures or further action (e.g., resource removal), as determined by a professional paleontologist, shall be implemented to mitigate the impact.*

Hazards and Hazardous Materials

59. *The contractor shall comply with Title 8, California Code of Regulations/Occupational Safety and Health Administration requirements that cover construction work where an employee may be exposed to lead. This includes the proper removal and disposal of peeling paint, and appropriate sampling of painted building surfaces for lead prior to disturbance of the paint and disposal of the paint or painted materials.*
60. *The applicant shall contract a Certified Asbestos Consultant to conduct an asbestos survey prior to disturbing potential asbestos containing building materials and following the Consultant's recommendations for proper handling and disposal.*
61. *Workers handling demolition and renovation activities at the project site will be trained in the safe handling and disposal of any containments with which they are handling or disposing of on the project site.*

Noise

62. *Prior to the issuance of building permits, mechanical equipment shall be selected and designed to reduce impacts on surrounding uses to meet the City's 60 dBA daytime and 50 dBA nighttime requirements at the property lines of surrounding noise sensitive uses. Section 5.2.5.8 of the City of Burlingame DSP includes a provision for rooftop equipment:*

Mixed-use buildings with a residential component should exhibit rooflines and architectural character consistent with the Downtown commercial character. Rooftop equipment shall be concealed from view and/or integrated within the architecture of the building and screened for noise.

A qualified acoustical consultant shall be retained to review mechanical noise as these systems are selected to determine specific noise reduction measures necessary to reduce noise to comply with the City's noise level requirements. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and/or installation of noise barriers, such as enclosures and parapet walls, to block the line-of-sight between the noise source and the nearest receptors.

63. *As required under Section 9.9.20 of the City of Burlingame DSP, loaded truck and other vibration-generating equipment shall avoid areas of the project site that are located near existing residential uses to the maximum extent possible to still meet construction goals. Additionally, the following measures would be implemented during construction:*
- a. *Operating equipment on the construction site shall be placed as far as possible from vibration-sensitive receptors.*
 - b. *Smaller equipment shall be used to the extent feasible to minimize vibration levels below the limits.*
 - c. *Use of vibratory rollers, tampers, and impact tools near sensitive areas shall be avoided to the extent feasible.*
 - d. *Neighbors within 500 feet of the construction site shall be notified of the construction schedule and that there could be noticeable vibration levels during project construction activities.*
 - e. *If heavy construction is proposed within 12 feet of commercial structures and/or 18 feet of residential structures, 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:*
 - f. *The contractor shall conduct a photo survey, elevation survey, and crack monitoring survey for structures located within 25 feet of construction. Surveys shall be performed prior to and after completion of vibration generating construction activities located within 25 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.*
 - g. *The contractor shall conduct a post-survey on the structure 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.*
 - h. *The contractor shall 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.*
 - i. *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.

Utilities and Service Systems

64. *The project sponsor shall coordinate with the City Engineer to improve the public sanitary sewer infrastructure. Prior to issuance of a building permit, project sponsors 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.*
65. *Prior to issuance of a building permit, development plans for projects proposed in the Plan Area, 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, 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.*

Ruben Hurin
Planning Manager

- c. John Britton, applicant
Gary Gee Architects, Inc., architect

Attachments:

Applicant's Response Letter, dated July 7, 2020
October 28, 019 Planning Commission Minutes
October 9, 2018 Planning Commission Minutes
Applicant's Response Letter, dated October 22, 2019
Letter Submitted by Jennifer Pfaff, dated October 9, 2018
Application to the Planning Commission
Letters of Explanation, dated March 8, 2016 and April 11, 2016
Conditional Use Permit Application
Klaus TrendVario 4200 Specifications
Tree Survey, prepared by SBCA Tree Consulting, dated April 1, 2016
Downtown Specific Plan Applicable Design Guidelines
Planning Commission Resolutions (Proposed)
Notice of Public Hearing – Mailed July 31, 2020
Area Map

Separate Attachments:

Mitigated Negative Declaration/Initial Study and Appendices, dated June 2020
Mitigation, Monitoring and Reporting Program (MMRP), dated June 2020
Materials Binder