

# City of Burlingame

*Design Review, Special Permit, and Lot Combination*

**Item No. 9e**  
**Regular Action Item**

**Address:** 123 -135 Primrose Road

**Meeting Date:** July 10, 2023

**Request:** Application for Design Review, Special Permit for building height, and Lot Combination for a new four-story, 14-unit, multi-unit residential apartment building with at-grade parking.

**Applicant and Architect:** Abha Nehru, Carrasco and Associates

**APNs:** 029-221-040 and -050

**Property Owner:** Albert K. Wong

**Zoning:** HMU

**General Plan Designation:** Downtown Specific Plan, Howard Mixed Use

**Combined Lot Area:** 10,716 SF (0.25 acres)

## **Adjacent Development:**

Left side: 119 Primrose Road, zoned BMU (Bayswater Mixed Use) - multi-unit residential  
Across the street: 112, 116, 120 Primrose Road, zoned BMU - Parish church and gymnasium  
132 Primrose Road, zoned BMU - Lot G public parking lot  
Right side: 139 Primrose Road, zoned HMU - food pantry (CALL Primrose)  
Rear of property: 1443 Howard Avenue, zoned BMU – preschool and United Methodist Church  
124 El Camino Real, zoned BMU - multi-unit residential

**Existing Use:** Single story office building (123 Primrose Road) and gravel parking lot (135 Primrose Road)

**Proposed Use:** 14-unit multi-unit residential apartment building with at-grade parking.

**Allowable Use:** Multi-unit residential uses, retail and personal services, offices above the first floor.

**Note:** This application was submitted prior to January 5, 2022, the effective date of the new Zoning Ordinance, and therefore was reviewed under the previous Zoning Code.

**Environmental Review:** Environmental review of this project is required by the California Environmental Quality Act (CEQA). Section 15332 of the CEQA Guidelines provides an exemption from CEQA review for projects classified as in-fill development and is intended to promote in-fill development within urbanized areas (i.e. the "Class 32 exemption"). Class 32 consists of in-fill projects which are consistent with local general plan and zoning requirements. This class is not intended to be applied to projects which would result in significant impacts on endangered, rare, or threatened species, traffic, noise, air quality, water quality, utilities, and public services. Application of this exemption, as with all categorical exemptions, is limited by the exceptions described in Section 15300.2 of the CEQA Guidelines. The requirements to qualify for a Class 32 exemption as described in CEQA Guidelines section 15332 are:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

The City's environmental consultant for this project, David J. Powers & Associates, prepared the attached categorical exemption analysis (dated June 2023) for the project. Based on the evidence provided in this analysis, it was determined the project is eligible for a Class 32 categorical exemption. This analysis provides substantial evidence demonstrating that the project meets all the above requirements. The project is consistent with the General Plan and zoning designations, including all applicable policies and regulations; development is within the city on a site less than five acres that is surrounded by urban uses; the site has no value as a habitat for endangered, rare, or threatened species; the project would not result in significant impacts related to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services. Moreover, there is no evidence that the project triggers any of the exceptions to qualification for a Class 32 exemption found in CEQA Guidelines section 15300.2. Because the project meets the criteria for categorically exempt infill development projects, this analysis finds that a Notice of Exemption may be prepared for the Project. No further environmental review is needed.

**Project Summary:** The applicant is proposing to combine Lot 2B (123 Primrose Road) and Lot 3 (135 Primrose Road), to create a single lot that totals 10,716 SF in area. The existing single-story office building at 123 Primrose Road would be demolished. Lot 3 is currently a vacant gravel parking lot with 12 parking spaces that are leased by the United Methodist Nursery School at 1443 Howard Avenue and CALL Primrose (food pantry) at 139 Primrose Road. These leased parking spaces are not included in the existing parking calculations or in any existing Conditional Use Permit for either the Nursery School or for CALL Primrose.

With the proposed lot combination, the new lot would have a linear street frontage of 99'-11 $\frac{3}{4}$ " where 50'-0" is the minimum required frontage. The two existing curb cuts would be eliminated and replaced with a single curb cut at the left side of the proposed building which would provide access to the enclosed at-grade parking on the ground floor.

The proposed residential apartment building would have parking and a lobby on the ground floor, 14 residential units in the three stories above the garage, and a rooftop terrace. The rooftop terrace level does not contain enclosed living space and is therefore not counted as story. A total of 14 secured bicycle parking spaces are provided in the at-grade parking level in addition to 16 vehicle parking spaces.

Each of the proposed living units contains a kitchen and living room, bedrooms, bathrooms, a laundry room, and a balcony. The proposed project includes seven one-bedroom units, six two-bedroom units, and one three-bedroom unit. Affordable (below market rate) units are not required and no below market rate units are proposed for the project. Unit sizes range from 916 SF to 1,946 SF. The average unit size proposed is 1,237 SF where a maximum average unit size is 1,250 SF is permitted. An enclosed trash room is provided on the ground floor behind the lobby.

Retail space is allowed but not required on the ground floor in the HMU zoning district. The ground floor would contain a lobby with a mail room, storage, elevator, stairway, and trash enclosure areas. Residential units are only permitted above the first floor, however supporting elements for the residential use (e.g., mail room, lobby, community spaces, etc.) may be located on the ground floor.

Planning staff identified the following applications required for this project:

- Design Review for the proposed new four-story, 14-unit multi-unit residential apartment building (C.S. 25.29.020 and 25.57.010, and Chapter 5 of the Downtown Specific Plan);
- Special Permit for building height for architectural features (C.S. 26.33.070); and
- Tentative Parcel Map for Lot Combination to combine two existing lots (Lot 2B – 123 Primrose Road and Lot 3 – 135 Primrose Road) (recommendation to City Council).

**Design Review:** The proposed project is subject to Chapter 5 of the Downtown Specific Plan (Design & Character). Section 5.3 (pages 5-17 through 5-21) provides design guidelines specifically for residential projects within the Downtown Specific Plan area. Section 5.4 (pages 5-22 through 5-27) provides more general design guidelines that apply to all areas of the downtown, including residential and mixed-use areas. These applicable sections of the Design and Character chapters of the Downtown Specific Plan have been attached for reference.

The materials proposed for the exterior of the building include scored stucco, a mix of wood and stone cladding, a framed glass staircase façade, dark steel windows, aluminum clad windows and doors, a perforated metal garage door, C-channel metal band over the lobby, and frosted glass balcony guardrails. Please refer to the materials sheet on A0.4 and the building elevations on sheets A5.1. through A5.2a.

**Special Permit for Building Height for Architectural Features:** Zoning Code Section 25.33.070(a) allows architectural features more than the maximum building height which do not extend more than ten (10) feet above the maximum height (to top of parapet) and do not occupy more than ten (10) percent of the roof area. The architectural features shall enhance the design of the building and shall be reviewed as part of the Design Review process outlined in Chapter 25.57. The applicant is requesting a Special Permit for the two stair enclosures designed as features of the building façade and for the rooftop trellis designed to provide architectural interest to the common open rooftop area. The total percentage of the roof area for these three features is 720.5 SF (9.9%) where 722.3 SF (10%) is allowed.

**Off-Street Parking:** Parking requirements are based on the number of bedrooms proposed per unit. Zoning Code Section 25.70.032 provides reduced residential parking standards specific to properties located within the boundaries of the Downtown Specific Plan. In the HMU District, the minimum parking requirement is one space for each studio unit or one-bedroom unit, 1.5 spaces for each two-bedroom unit, and 2 spaces for each three-bedroom unit. The proposed project includes seven one-bedroom units, six two-bedroom units, and one three-bedroom unit. Therefore, the total number of required parking spaces for the residential units is 18 spaces. A service/delivery space is not required for apartment buildings and no guest parking is required for properties located within the Downtown Specific Plan area (no designated delivery or guest parking provided with this project).

The project proposes a total of 16 at-grade parking spaces where 18 parking spaces are required. However, the applicant has submitted an AB 2097 application letter dated April 13, 2023 (see attachments) to provide fewer than the required number of parking spaces. The AB 2097 letter from the applicant details how the provided parking spaces will be allocated. AB 2097 is a new State law that became effective January 1, 2023. This law prohibits public agencies from imposing minimum automobile parking requirements on residential, commercial, and industrial projects located within a half-mile of public transit. It does not apply to hotels, motels, bed and breakfast inns, or other transient lodgings. The subject property is located within half-mile of the Burlingame Caltrain station.

Jurisdictions cannot deny a parking reduction for qualifying residential projects that satisfy any of the following:

- 1) a minimum of 20 percent of the units are dedicated to very low-, low- or moderate-income households, students, the elderly or persons with disabilities;
- 2) the development contains 20 residential units or less; or
- 3) the development is subject to other applicable parking reductions provided by law.

Since the project is located within a half-mile of public transit and contains less than 20 residential units (14 units proposed), the proposed parking reduction must be approved without an application for a Parking Variance.

All of the proposed parking spaces would be in an enclosed parking garage at grade. All vehicles would enter and exit the project through the proposed driveway with a garage gate entry on Primrose Road. The gate would be kept open during daylight hours, both to reduce the likelihood of vehicles queuing on the street as they wait for the gate to open during peak commute hours and to make the parking area more secure during non-daylight hours.

The Downtown Specific Plan notes that “new development should provide safe, secure facilities for bicycles. This can be accomplished in several ways, depending on the type of development. Where possible, secured, indoor parking space for bikes should be provided in all new residential and commercial buildings. New projects should include bike stalls to allow users the opportunity to securely store their bicycles.” Bicycle parking for up to 14 bicycles is proposed within the parking area on the ground floor that would be secured when the gate closes at night. Additional parking for two bicycles would be provided with a single bicycle rack located on the property in front of the building and to the right of the garage gate entry.

**Landscaping:** There are no landscaping standards for multi-unit apartment units in the HMU zoning district. There are no existing protected size trees on the subject property. The applicant provided Landscape Plans (Sheets L1. – L3.0) to show a total of six 24-inch box size Coral Bark Maple trees and two 24-inch box size boxleaf Azara trees to be planted within the subject property, as well as lower profile landscaping species in the two garden areas and planter boxes at the rooftop garden. The existing protected size Sycamore in front of the site will remain with construction and two new Coral Bark Maples are proposed to be planted in the right-of-way between the curb and sidewalk.

**Housing Accountability Act (HAA):** The Housing Accountability Act (HAA), codified in State of California Government Code Section 65589.5, limits the ability of municipalities to deny a multifamily residential project that complies with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the application is determined to be complete. “Objective standards” are those that can be independently measured (such as height, density, and lot coverage) rather than subjective (such as “does not fit with the neighborhood character”). The table on the following page outlines the proposed project’s compliance with the applicable objective development standards.

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**123-135 Primrose Road****Lot Area:** 10,716 SF**Plans date stamped:** May 31, 2023

	<b>PROPOSED</b>	<b>ALLOWED / REQUIRED</b>
<b>Setbacks:</b>		
<b>Front:</b>		
(1 <sup>st</sup> flr):	1'-0"	0'-0"
garage gate:	5'-0"	0'-0" <sup>1</sup>
(2 <sup>nd</sup> flr):	0'-0"	0'-0" <sup>1</sup>
(3 <sup>rd</sup> flr):	0'-0"	0'-0" <sup>1</sup>
(4 <sup>th</sup> flr):	0'-0"	0'-0" <sup>1</sup>
<b>Left Side:</b>		
(1 <sup>st</sup> flr):	13'-8" (to garage column)	7'-0" <sup>2</sup>
(2 <sup>nd</sup> flr):	10'-0" (to balcony)	8'-0" <sup>2</sup>
(3 <sup>rd</sup> flr):	10'-0" (to balcony)	9'-0" <sup>2</sup>
(4 <sup>th</sup> flr):	10'-0" (to balcony)	10'-0" <sup>2</sup>
<b>Right Side:</b>		
(1 <sup>st</sup> flr):	0'-4" (to stairwell)	0'-0"
(2 <sup>nd</sup> flr):	0'-4" (to stairwell)	0'-0"
(3 <sup>rd</sup> flr):	5'-0¾" (to balcony)	0'-0"
(4 <sup>th</sup> flr):	5'-0¾" (to balcony)	0'-0"
<b>Rear:</b>	<u>Left side / Right side</u> <sup>3</sup>	<u>Left side / Right side</u> <sup>3</sup>
(1 <sup>st</sup> flr):	11'-1" / 8'-10"	7'-0" / 0'-0"
(2 <sup>nd</sup> flr):	10'-4" / 8'-10"	8'-0" / 0'-0"
(3 <sup>rd</sup> flr):	10'-4" / 8'-10"	9'-0" / 0'-0"
(4 <sup>th</sup> flr):	10'-4" / 8'-10"	10'-0" / 0'-0"
<b>Lot Coverage:</b>	2,998 SF 50%	3,000 SF 50% (for interior lots)
<b>Building Height:</b>	51'-7" to top of parapet 58'-5" to top of stair enclosures <sup>4</sup>	55'-0" maximum to top of parapet 65'-0" maximum with Special Permit <sup>4</sup>
<b>Private Open Space:</b>	75 SF – 155 SF per unit	None
<b>Off-Street Parking:</b>	14 spaces 1 service parking space <u>1 van accessible space</u>  Total = 16 spaces <sup>5</sup>	7, 1- bdrm units x 1 = 7 spaces 6, 2- bdrm units x 1.5 = 9 spaces <u>1, 3 bdrm unit x 2 = 2 spaces</u>  Total = 18 spaces  No minimum parking required per AB 2097
<b>Common Open Space:</b>	2,690 SF rooftop + 262.5 SF backyard = 2,952.5 SF total	None

<sup>1</sup> Per C.S. 25.33.060(b), 60% of the structure over the first floor must be located at the property line (0'-0", or no front setback). For the proposed project, 88% of the structure over the first floor has a zero setback, no front setback).

- <sup>2</sup> Per C.S. 25.33.060(d), R-3 side setback standards apply to property lines with an existing residential use on the abutting property. Therefore R-3 C.S. 25.28.075(b) side setback regulations apply to the left side of the proposed structure, which abuts a multi-unit structure at 119 Primrose Road.
- <sup>3</sup> The right, rear side of the building can be built to the property line where the property abuts the daycare at 1443 Howard Avenue.
- <sup>4</sup> A Special Permit is requested for architectural features that extend up to 10 feet above maximum allowed parapet height (C.S. 25.33.070).
- <sup>5</sup> AB 2097 application made by applicant for reduced parking for projects located within a half mile of a major transit stop.

**General Plan/Specific Plan:** The General Plan designates the site as Downtown Specific Plan. In 2010 the City Council adopted the *Burlingame Downtown Specific Plan* (with amendments in 2014, 2015, 2016, and 2017), which serves as an element of the General Plan. The subject property is located within the boundaries of the planning area for the Downtown Specific Plan; the site is in the Howard Mixed Use District. The Plan describes the HMU District as follows:

*The Howard Avenue Area is the area to the south of Burlingame Avenue and consists of a mix of uses, including retail and office along Howard Avenue, and multi-unit residential uses between Howard and Peninsula Avenues. Burlingame Avenue and Howard Avenue together form the "Burlingame commercial" area. Ground floor retail use is encouraged, and housing is allowed on the upper levels above commercial uses. The interceding side streets--Lorton Avenue, Park Road, Primrose Road, and Highland Avenue--will act as connector streets with the commercial uses along those streets strengthening the relationship between Burlingame Avenue and Howard Avenue.*

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

GOAL/POLICY	PROJECT PROPOSED
<b>Policy P-1.2:</b> Devote less land for parking Downtown while accommodating increased demand by using the land more efficiently with decked or underground parking.	Less land is devoted for parking by placing parking spaces in an enclosed parking garage located within the footprint of the building.
<b>Policy P-1.3:</b> Conceal parking areas through the use of attractively designed above- or below-ground parking structures.	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.
<b>Policy C-2.6:</b> Consider the needs of pedestrian, bicycles, and people with disabilities.	Storage for bicycles is provided within the enclosed parking garage; project is required to comply with disabled-accessible requirements.
<b>Policy S-1.3:</b> 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 street trees should be persevered whenever possible.	One existing mature street tree will be protected during construction and retained as part of the completed project. In addition, eight new 24-inch box size landscape trees are proposed to be planted on the subject property.

GOAL/POLICY	PROJECT PROPOSED
<p><b>Policy D-1.1</b> Ensure that new construction fits into the context and scale of the existing downtown.</p> <p><b>Policy D-1.2:</b> 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><b>Policy D-3.1:</b> Ensure that new development is appropriate to Burlingame with respect to size and design.</p>	<p>The proposed contemporary design is consistent throughout the project, including steel and aluminum clad windows, corner windows, frosted glass balconies, a mix of stucco and wood siding, and flat metal window awnings. The contemporary design would complement the existing traditional architectural styles on the same block and will be consistent with the design of the retail shopping center 200 feet east of the project site at the corner of Howard Avenue and Primrose Road.</p> <p>The proposed project is subject to the design review process.</p> <p>The shadow study prepared as part of the environmental review for the project (see Shadow Study – Appendix B dated May 11, 2021) shows that the proposed six-story building will not create any substantial shadows or shade on the public open spaces next door in front of the City Hall building.</p>

**Staff Comments:** None.

**Design Review Study Meeting:** At the Planning Commission Design Review Study meeting on July 12, 2021, the Commission had several comments and suggested revisions for the applicant to consider (see attached July 12, 2021 Planning Commission Minutes).

The applicant submitted revised plans, date stamped March 31, 2023, to address the Commission's comments and suggestions. Listed below were some of the Commission's comments, followed by the revisions made by the applicant (please refer to the attached meeting minutes and the architect's response letter dated October 18, 2021 for a detailed list of the Commission comments and the architects plan revisions).

1. ***The overall height of the building could be reduced by dropping the first-floor ceiling height to be less than 15 feet. Since the first-floor lobby is not commercial retail there is no need to have the added height.***
  - The applicant has revised the plans to reduce the first-floor ceiling height from 15 feet to 12 feet, which in turn reduced the overall height to the parapet.
2. ***Would suggest that the lobby and corner windows be made more inviting.***
  - The applicant revised the first-floor lobby window at the northwest corner to have corner glass to match the treatments at the upper floors.
3. ***The architect indicated there is a shadow study and we would like to see this at the action hearing.***

- Pursuant to Section 5.4.2 of the Burlingame Downtown Specific Plan, all development should be evaluated for potential shadow impacts on public or quasi/public open spaces. There are no such open spaces surrounding the proposed project site.

However, the applicant provided a shadow study on Sheet A0.7 for reference. The private properties most impacted by shadows are Call Primrose and St. Catherine's, both located to the right / west side of the project site.

**4. *The applicant should look for ways to reduce potential noise impacts and to screen the rooftop terrace from neighbors.***

- The rooftop terrace areas have been centered on the rooftop and are closest to the commercial buildings at the west side of the project site. In addition, the proposed parapet, garden areas, and elevator and stair enclosures will all screen the terrace areas from neighboring properties.

**5. *There is a lot of traffic related to the church school during drop-offs and pickups. The garage is very close to the street and doesn't leave any room for queuing.***

- The garage has been set back five feet from the property line. The building material for the section of the wall to the left of the garage gate has been switched to perforated metal to improve visibility for vehicles exiting the garage. The garage gate will also be kept open during daylight hours when pedestrian traffic is heaviest to prevent vehicles queuing while the gate opens. A traffic study was prepared by Hexagon Transportation Consultants, Inc. in June 2022 as part of the environmental review and concluded that due to the low number of project-generated trips, vehicle queuing and delays are not expected to occur at the project driveway even during peak hours.

**Public Facilities Impact Fee:** The purpose of public facilities impact fees 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 14-unit residential apartment development, the estimated public facilities impact fee for this development project is \$63,089.00. The final fee amount will be calculated based on the fee schedule in effect at the time the building permit is issued.

**Residential Impact Fee:** The purpose of residential impact fees is to support and build new homes for lower-income residents. The fees can be charged to developers of new residential projects and used for land purchase, construction costs, or site rehabilitation related to providing workforce housing. The residential impact fee, depending on whether prevailing wage labor is used, is estimated to be \$242,480.00 - \$294,440.00.

**Design Review Criteria:** The criteria for design review as established in Ordinance No. 1591 adopted by the Council on April 20, 1998 are outlined as follows:

1. Compatibility of the architectural style with that of the existing character of the neighborhood;
2. Respect for the parking and garage patterns in the neighborhood;
3. Architectural style and mass and bulk of structure;
4. Interface of the proposed structure with the structures on adjacent properties; and



5. Landscaping and its proportion to mass and bulk of structural components.

**Suggested Findings for Multi-unit Residential Design Review:** That at the July 12, 2021 Design Review study meeting, the Planning Commission noted that the proposed building was well-designed and included ample architectural articulation, such as varied balcony and building wall setbacks, varying blocks of exterior materials, and an overall building height that is below the maximum height. The parapet height is punctuated in small areas by the stairs and elevator enclosures, which add interest and elegance to the building design. The front elevation is dominated by the lobby windows to screen the garage and will contribute to a livelier and more interactive street frontage than a building design that exposes all of the at-grade parking. The proposed contemporary design is consistent throughout the project, including steel and aluminum clad windows, corner windows, frosted glass balconies, a mix of stucco and wood siding, and flat metal window awnings. The contemporary design would complement the existing traditional architectural styles on the same block and will be consistent with the design of the retail shopping center 200 feet east of the project site at the corner of Howard Avenue and Primrose Road. For these reasons, the project may be found to be compatible with the requirements of the City's five design review criteria.

**Required Findings for a Special Permit:** To grant a Special Permit, the Planning Commission must find that the following conditions exist on the property (Code Section 25.51.020 a-d):

- (a) The blend of mass, scale and dominant structural characteristics of the new construction or addition are consistent with the existing structure's design and with the existing street and neighborhood;
- (b) the variety of roof line, facade, exterior finish materials and elevations of the proposed new structure or addition are consistent with the existing structure, street, and neighborhood;
- (c) the proposed project is consistent with the residential design guidelines adopted by the city; and
- (d) removal of any trees located within the footprint of any new structure or addition is necessary and is consistent with the city's reforestation requirements, and the mitigation for the removal that is proposed is appropriate.

**Suggested Findings for a Special Permit (Building Height for Architectural Features):** That the proposed design of the stair enclosures includes an exterior face with painted black steel windows that complement the contemporary architecture; that the proposed stair enclosures provide a variety to the single-height parapet of the building and the flat roofs of the stair enclosures are consistent with the overall building design. For these reasons, the project may be found to be compatible with the special permit criteria.

**Findings for Tentative Parcel Map for Lot Combination:** In order to recommend approval of a tentative parcel map, the Planning Commission must find that the proposed 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 Parcel Map:**

- That the proposed tentative 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 in that it provides a multi-unit residential development in an area identified as suitable for such use in the Zoning Code and General Plan, provides vehicular and pedestrian circulation to serve the project, and is consistent with required development standards.

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

1. Design Review;
2. Special Permit for building height for architectural features; and
3. Tentative Parcel Map for Lot Combination (recommendation for approval by City Council).

At the public hearing the following conditions should be considered:

1. that the project shall be built as shown on the plans submitted to the Planning Division date stamped May 31, 2023, sheets A0.1 through A5.2a, C1 through C8, and L1.0 and L2.0; and that the gate to the garage shall remain open/ up during daylight hours;
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 for the project, the applicant shall pay the Residential Impact Fees (final fee amount to be calculated based on the fee schedule in effect at the time the building permit is issued), made payable to the City of Burlingame and submitted to the Planning Division;
4. that prior to issuance of a building permit for the project, the applicant shall pay the first half of the Public Facilities Impact fee (fee amount to be calculated based on the fee schedule in effect at the time the building permit is issued), made payable to the City of Burlingame and submitted to the Planning Division;
5. that prior to scheduling the final framing inspection for the apartment building, the applicant shall pay the second half of the Public Facilities Impact fee (fee amount to be calculated based on the fee schedule in effect at the time the building permit is issued), made payable to the City of Burlingame and submitted to the Planning Division;
6. 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);
7. that the maximum elevation at the top of the parapet shall not exceed elevation 89.65' and that the top of the two stair enclosures shall not exceed elevation 96.48' as measured from the average elevation at the top of the curb along Park Road (38.05'), for a maximum height to parapet of 51'-7" and a maximum height to top of stair enclosures of 58'-5"; that the top of each floor and final roof parapet height and the final stair enclosure heights shall be surveyed and approved by the City Engineer as the framing proceeds and prior to final framing and roofing inspections. The garage/first floor finished floor elevation shall be elevation 38.25'; second floor finished floor shall be elevation 52.42'; third floor finished floor shall be elevation 63.27'; and fourth floor finished floor shall be elevation 74.19'. 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;

8. that the applicant shall coordinate with the City of Burlingame Parks Division regarding the installation of the street trees along Primrose Road;
9. 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;
10. 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;
11. that storage of construction materials and equipment on the street or in the public right-of-way shall be prohibited;
12. 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;
13. that all runoff created during construction and future discharge from the site shall be required to meet National Pollution Discharge Elimination System (NPDES) standards;
14. 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;
15. The Project sponsor shall ensure implementation of the following BMPs during Project construction, in accordance with the BAAQMD's standard requirements:
  - a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
  - 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.
  - 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 (California Code of Regulations [CCR] Title 13 § 2485). Clear signage regarding idling restrictions shall be provided for construction workers at all access points.
  - g. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
  - h. The prime construction contractor shall post a publicly visible sign with the telephone number and person to contact at the City of Burlingame regarding dust complaints. The City of Burlingame and the construction contractor shall take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.
- 16. that methods and procedures such as sediment basins or traps, silt fences, straw bale dikes, storm drain inlet protection such as soil blanket or mats, and covers for soil stockpiles to stabilize denuded areas shall be installed to maintain temporary erosion controls and sediment control continuously until permanent erosion controls have been established;
  - 17. that construction access routes shall be limited to prevent the tracking of dirt onto the public right-of-way, clean off-site paved areas and sidewalks using dry sweeping methods;
  - 18. that if construction is done during the wet season (October 1 through April 30), that prior to October 1 the developer shall implement a winterization program to minimize the potential for erosion and polluted runoff by inspecting, maintaining and cleaning all soil erosion and sediment control prior to, during, and immediately after each storm even; stabilizing disturbed soils throughout temporary or permanent seeding, mulching matting, or tarping; rocking unpaved vehicle access to limit dispersion of mud onto public right-of-way; covering/tarping stored construction materials, fuels and other chemicals;
  - 19. that the applicant shall prepare a construction staging and traffic control plan for the duration of construction for review and acceptance by the City Engineer prior to the issuance of a building permit; the construction staging plan shall include construction equipment parking, construction employee parking, timing and duration of various phases of construction and construction operations hours; the staging plan shall address public safety and shall ensure that worker's vehicles and construction equipment shall not be parked in public parking areas with exceptions for construction parking along the street frontages of the project site;
  - 20. 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;
  - 21. that all new utility connections to serve the site, and which are affected by the development, shall be installed to meet current code standards and local capacities of the collection and distribution systems shall be increased at the developer's expense if necessary;
  - 22. 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 unless applicant produces evidence, to the satisfaction of the Community Development Director, that special circumstances exist that warrant

early demolition, in accordance with the provisions of the Burlingame Municipal Code Chapter 18.07.065;

23. that the applicant shall install fire sprinklers and a fire alarm system monitored by an approved central station prior to the final inspection for building permit;
24. that all construction shall abide by the construction hours established in the Municipal Code;
25. 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;
26. that the project shall be required to comply with all the standards of the California Building and Fire Codes, in effect at time of building permit issuance, as amended by the City of Burlingame;
27. that construction methods shall not include the use of impact, sonic, or vibratory pile driving methods. In addition, foundation compaction techniques shall exclude the use of vibratory rollers on the project site and shall exclude the use of all vibration-compaction equipment within 25-feet of the project boundaries.

Alternate methods of compaction to be used shall include the use of back-hoe mounted, nonvibratory, sheepsfoot rollers, or the use of hand-controlled jump-jack compactors, or similar low- or non-vibratory compaction equipment.

28. that the applicant shall provide a Construction Vibration Management Plan which shall include a list of all heavy construction equipment to be used on the project site that are known to produce high vibration levels (tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.) to the Community Development Director or the Director's designee. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort required for continuous vibration monitoring to ensure the project would not exceed acceptable thresholds.

***The following four (4) conditions shall be met during the Building Inspection process prior to the inspections noted in each condition:***

29. that prior to scheduling the foundation inspection a licensed surveyor shall locate the property corners, set the building envelope;
30. 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 Department;
31. that prior to scheduling the roof deck inspection, a licensed surveyor shall shoot the height of the roof ridge and provide certification of that height to the Building Division; and
32. that prior to final inspection, Planning Division staff will inspect and note compliance of the architectural details (trim materials, window type, etc.) to verify that the project has been built according to the approved Planning and Building plans.

***The following conditions of approval are from Downtown Specific Plan:***

33. the project sponsor shall implement all appropriate control measures from the most currently adopted air quality plan at the time of project construction;
34. 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.
35. 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;
36. the project sponsor shall incorporate residential 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 and commercial 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. 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. that the following practices shall be incorporated into the construction documents to be implemented by the project contractor.
  - a. Maximize the physical separation between noise generators and noise receptors. Such separation includes, but is not limited to, the following measures:
    - Use heavy-duty mufflers for stationary equipment and barriers around particularly noisy areas of the site or around the entire site;
    - Use shields, impervious fences, or other physical sound barriers to inhibit transmission of noise to sensitive receptors;
    - Locate stationary equipment to minimize noise impacts on the community; and

- Minimize backing movements of equipment.
  - b. Use quiet construction equipment whenever possible.
  - c. Impact equipment (e.g., jack hammers and pavement breakers) shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically-powered tools. Compressed air exhaust silencers shall be used on other equipment. Other quieter procedures, such as drilling rather than using impact equipment, shall be used whenever feasible.
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 archaeologist 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.

Erika Lewit  
Senior Planner

c. Abha Nehru, applicant and architect

Attachments:

July 12, 2021 Planning Commission Meeting Minutes  
Applicant's Response Letter dated October 18, 2021  
Applicant's AB 2097 Application Letter, dated June 14, 2023  
Application to the Planning Commission  
Special Permit Application  
Public Works Engineering Map Action Memo and Lot Combination Map  
Letters submitted by neighbors  
Downtown Specific Plan Applicable Design Guidelines (reference only)  
Planning Commission Resolution (Proposed)  
Notice of Public Hearing – Mailed June 30, 2023  
Area Map

Separate Attachments

CEQA Class 32 Infill Exemption, dated June 2023, prepared by David J. Powers