

Item No. 8a
Regular Action Item



PROJECT LOCATION
1433 Floribunda Avenue

City of Burlingame

*Design Review, Condominium Permit, Conditional Use Permit
and Tentative Condominium Map*

**Item No. 8a
Regular Action Item**

Address: 1433 Floribunda Avenue

Meeting Date: September 24, 2018

Request: Application for Condominium Permit, Design Review, Conditional Use Permit for building height and Tentative Condominium Map for a new four-story, 8-unit residential condominium with at-grade parking.

Applicant: Melinda Kao

APN: 029-112-050

Property Owner: Accelerate Holdings LLC

Lot Area: 9,320 SF

Architect: Levy Design Partners

General Plan: High Density Residential

Zoning: R-3

Burlingame Downtown Specific Plan (R-3 Base District)

Adjacent Development: Multifamily Residential

Current Use: Vacant (site previously contained five residential units in two separate buildings).

Proposed Use: 8-unit residential condominium building.

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

Environmental Review Status: The proposed 8-unit residential condominium project falls within the scope of the adopted Mitigated Negative Declaration for the previously approved 10-unit residential condominium (ND-569-P) and Addendum prepared for the project.

History: An application for a Mitigated Negative Declaration, Condominium Permit, Design Review, Parking Variance and Tentative Condominium Map for construction of a new four-story, 10-unit residential condominium at 1433 Floribunda Avenue was approved by the Planning Commission on February 24, 2014 (see attached February 24, 2014 Planning Commission Meeting Minutes). An application for Design Review Amendment for approval of a variety of exterior changes to the building, as well as changes to the landscaping along the right side property line, was approved on May 11, 2015 (see attached May 11, 2015 Planning Commission Meeting Minutes).

A building permit was issued in May 2016. Shortly after the existing buildings and vegetation were removed, the property was sold to a new owner. The new owner would like to build a project which includes a different design, contains two fewer units (reducing from 10 to 8) and a parking garage that is located at grade rather than below grade. Since the previously approved project will not be built and the proposed project is different in design and configuration, it is considered to be a new application. Plans for the previously approved 10-unit project have been provided as a reference.

Design Review Study Meeting: At the Planning Commission design review study meeting on August 13, 2018, the Commission had several comments regarding the proposed project and voted to place this item on the regular action calendar when all of the required information has been submitted (see the attached August 13, 2018, Planning Commission Minutes).

Please refer to the attached applicant's response letter, dated August 27, 2018, and revised plans, date stamped August 28, 2018, for responses to the Commission's comments. In summary, the following changes were made:

- The front stairway was reconfigured to allow for change to the front entry design (see revised floor plans, building elevations and renderings, sheets A2.1 through A3.3).

- The front entry element was changed from a rounded form with stucco siding to a square form with horizontal wood siding (see revised floor plans, building elevations and renderings, sheets A2.1 through A3.3).
- The forms on the West Elevation were changed to be more subdued and regular (see revised West Elevation, sheet A3.2).

Project Summary: The applicant is proposing a new, four-story, 8-unit residential condominium building with at-grade parking at 1433 Floribunda Avenue, zoned R-3. The project site is currently vacant, but previously contained five residential units in two detached buildings. The existing buildings were not identified on the Draft Inventory of Historic Resources of the Burlingame Downtown Specific Plan. The site is bordered by a two-story multifamily building to the west and three-story multifamily buildings to the north, south and east.

The proposed building would contain eight residential units in four floors and an at-grade parking garage. Each of the eight condominium units will contain an entry, living and dining areas, kitchen, two bedrooms, an open den, two bathrooms and a space for a washer/dryer. One unit is proposed at grade behind the garage, while the remaining units will be located on the upper three floors. The average unit size proposed is 1,152 SF (1,250 SF average maximum unit size permitted). An enclosed room for trash receptacles is provided at the front of the building.

The following applications are required for the proposed project:

- Design Review for the proposed design of the new residential condominium (C.S. 25.28.045 and 25.57.010, and Chapter 5 of the Downtown Specific Plan);
- Condominium Permit for a new, four-story, 8-unit residential condominium building (C.S. 26.30.020);
- Conditional Use Permit for building height (46'-0" proposed where a Conditional Use Permit is required for any building exceed 35'-0"; 55'-0" maximum building height allowed) (C.S. 25.28.060); and
- Tentative Condominium Map.

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 areas within the Downtown Specific Plan area. Section 5.4 (pages 5-22 through 5-27) provides more general design guidelines that apply to all areas of the downtown, including residential areas. The relevant pages of the plan have been included as an attachment for convenience of commissioners.

Materials proposed for the exterior of the building include stucco, composite wood and cement panel siding, solid and perforated metal panels, and aluminum projections. Aluminum clad wood windows and doors would be used throughout the building. The overall height of the building is proposed at 46'-0" above average top of curb level where 55'-0" is the maximum allowed. However, an application for a Conditional Use Permit is required if the building exceeds 35'-0" in height and is being requested by the applicant. On sheet A3.3, two visual simulations are provided looking north-east and south-west along Floribunda Avenue.

Off-Street Parking: The code requires 12 parking spaces for the residents of the units (1.5 spaces for each two-bedroom unit) and an area for a service/delivery vehicle. There is no guest parking required on-site for properties located within the Downtown Specific Plan. The at-grade garage provides a total of 13 parking spaces (12 resident spaces and one service/delivery vehicle space). Eleven of the required parking spaces would be provided by way of a puzzle car stacker system. Access to the garage would be from Floribunda Avenue by way of a driveway at the east end of the property.

The property is an existing lot with a public street frontage of 49.63' where 55' is required, and the property narrows to 44.83' at the rear of the lot. Given the narrow width of the lot, accommodating all of the required parking spaces, service vehicle space and backup areas is challenging, even with the reduced parking requirements of the Downtown Specific Plan. The proposed project includes a puzzle car stacker system to provide 11 of the required parking spaces. The car stacker system provides room to accommodate a service vehicle space on the site and also eliminates the need to dig underground to provide parking (with the exception of the pit for the car stacker system).

The applicant is proposing to use a puzzle car stacker system by CityLift (Model No. 2LP3W6, see attached specifications) and is able to accommodate passenger cars and medium size SUVs. The proposed system can accommodate vehicles up to 6'-6³/₄" wide x 19'-0³/₄" long. Building Sections 1 and 2 on sheet A4.1 show that the proposed floor-to-ceiling garage height in the area where the parking lifts are located is 15'-0". This height would be sufficient to accommodate the car stacker system, which requires a clearance of 11'-11³/₄".

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. For the previously approved project, a parking variance was required for the mechanical lifts (the parking lifts were considered a mitigation measure for the requested parking variance). However, because as a policy the Downtown Specific Plan encourages "creative approaches" to providing on-site parking and the car stackers have been considered "creative approaches" to providing the required on-site parking and therefore consistent with the Downtown Specific Plan, parking variances are no longer required. To date, the City has approved several commercial and residential projects with parking lift systems.

Common and Private Open Space: There is a total of 1,067 SF (133 SF/unit) of common open space proposed for the condominium project where 800 SF (100 SF/unit) is the minimum required. Of the required common open space, a minimum of 50% must be in soft landscaping (400 SF); 594 SF of the provided common open space is proposed to be landscaped and therefore is in compliance. There is 100 SF to 200 SF in private open space per unit (75 SF/unit is the minimum required) provided in balconies and at grade. The applicant is proposing 50.4% (404 SF) landscaping in the front yard where 50% (401 SF) is the minimum required. The project meets all other zoning code and condominium permit requirements.

Landscaping: The site has been fully developed and used for residential uses since at least 1907. The project site was previously covered by several buildings, paved and landscape areas prior to their demolition in 2016. A number of large trees on or adjacent to the property, including two oak trees (9-inch and 11-inch diameter) along the left side property line, two oak trees (32-inch and 34-inch in diameter) along the right side property line and a palm tree (29-inch diameter) in the front yard were removed with approval of a Tree Removal Permit issued by the Parks Division.

Proposed landscaping and fencing throughout the site is shown on the Landscape Plans (see sheets L1.1, L2.1, and L3.1). The applicant is proposing 50.4% (404 SF) landscaping in the front yard where 50% (401 SF) is the minimum required.

In accordance with the City's requirements, each lot developed with a multifamily residential use is required to provide a minimum of one 24-inch box-size non-fruit tree for every 2,000 SF of lot coverage. Based on the proposed project, a minimum of two landscape trees are required on site. The proposed landscape plan for the project complies with the on-site reforestation requirements by providing two 24-inch box Fern Pine trees (*Podocarpus gracilior*) along the right side property line, four 24-inch box Hop Bush trees (*Dodonaea viscosa*) along the left side property line, and three 24-inch box Crape Myrtle trees in the rear yard. A total of nine new trees are proposed on site, where a minimum of two landscape trees are required. Two new Red Maple street trees (*Acer Rubrum* 'October Glory'), will be planted as part of the project.

1433 Floribunda Avenue

Lot Area: 9,320 SF

Plans date stamped: September 4, 2018

	Proposed	Allowed/Required
Front (1st flr):	19'-0"	16'-4" (block average)
(2nd flr):	19'-0"	
(3rd flr):	24'-6"	
(4th flr):	26'-6½"	
Left Side (1st flr):	7'-3"	5'-0"
(2nd flr):	7'-3"	6'-0"
(3rd flr):	7'-3"	7'-0"
(4th flr):	8'-6"	8'-0"
Right Side (1st flr):	5'-0"	5'-0"
(2nd flr):	7'-2½"	6'-0"
(3rd flr):	7'-2½"	7'-0"
(4th flr):	8'-2½"	8'-0"
Rear (1st flr):	24'-6½"	20'-0"
(2nd flr):	23'-3½"	20'-0"
(3rd flr):	23'-3½"	20'-0"
(4th flr):	24'-6½"	20'-0"
Lot Coverage:	4,620 SF 49.6%	4,660 SF 50%
Building Height:	46'-0" ¹	55'-0" maximum allowed; CUP required to exceed 35'-0"
Off-Street Parking:	12 spaces for residents (11 spaces provided in car stacker system) 1 service/delivery vehicle space No guest parking provided Total: 13 total spaces 100% covered	12 spaces (8, 2 bdrm units x 1.5) 1 service/delivery vehicle space required No guest parking required Total: 13 total spaces 80% must be covered

¹ Conditional Use Permit for building height (46'-0" proposed where a Conditional Use Permit is required for any building exceed 35'-0"; 55'-0" maximum building height allowed).

Development table continued on next page.

1433 Floribunda Avenue

Lot Area: 9,320 SF

Plans date stamped: June 4, 2018

	Proposed	Allowed/Required
Front Setback Landscaping:	50.4% (405 SF)	50% (401 SF)
Private Open Space:	100 SF – 200 SF/unit	75 SF per unit
Common Open Space: SF Landscaped:	1,067 SF 594 SF (55.6% of required)	800 SF 400 SF (50% of required)

Staff Comments: None.

Affordable (Below-Market Rate) Units: The previously approved project was subject to the Inclusionary Housing Ordinance, which required that one affordable unit be provided as part of the project. 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.

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 an 8-unit residential condominium project and providing a credit for the five residential units that previously existed on the lot, the estimated Public Impact Fee for this development project is **\$16,611.00**. The Public Impact Fees payment will be required at time of building permit issuance. One-half of the public facilities impact fees payment will be required prior to issuance of a building permit issuance; the second half of the payment will be required before the final framing inspection.

General Plan/Specific Plan: The *Burlingame General Plan* designates this site for High Density residential (51+ dwelling units per acre), which allows 11+ units on the site (8 units proposed). In 2010 the City Council adopted the *Burlingame Downtown Specific Plan* (amended in 2011), which serves as an element of the General Plan. The subject property is located within the boundaries of the planning area for the Downtown Specific Plan, specifically in the R-3 Base District. The Plan describes the R-3 Base District as follows:

On the north side of Downtown, the area is bounded by Oak Grove Avenue to its north; the rail road tracks to its east; El Camino Real to its west and portions of land to the south of Floribunda Avenue is designated for medium-high density residential (R-3) uses. The land uses are predominantly multifamily residential including some lower intensity residential uses such as single family homes, duplexes, apartment homes, multifamily homes and accessory buildings. Uses in this district also include public buildings, public parks and playgrounds, and religious facilities. These areas will continue to be regulated by the same zoning standards that apply to R-3 properties citywide.

Design Review: Design review is required for new construction of multi-family residential developments in the R-3 and R-4 Districts. The following considerations shall be reviewed by the Planning Commission (Code Section 25.57.010 (b):

- (1) Compatibility with the existing character of the neighborhood;
- (2) Respect the mass and fine scale of adjacent buildings even when using differing architectural styles;
- (3) Maintain the tradition of architectural diversity, but with human scale regardless of the architectural style used; and
- (4) Incorporate quality materials and thoughtful design which will last into the future.

Suggested Findings for Design Review: That the proposed condominium building will be compatible with the existing character of the neighborhood with the use of a variety of quality materials including stucco, composite wood and cement panel siding, solid and perforated metal panels, aluminum projections and aluminum clad wood windows and doors. The new four-story building respects the mass and scale of this portion of Floribunda Avenue which has a mix of two, three and four-story multifamily residential buildings with a variety of architectural styles. The building includes articulated front, side and rear façades that provide visual interest. For these reasons the project may be found to be compatible with the requirements of the City's four design review criteria.

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

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

Suggested Findings for Condominium Permit:

- *Sound community planning; the economic, ecological, social and aesthetic qualities of the community; and on public health, safety and general welfare* in that the eight-unit residential condominium project is scaled to be compatible with existing multifamily buildings along Floribunda Avenue and features ample landscaping with usable common open space;
- *The overall impact on schools, parks, utilities, neighborhoods, streets, traffic, parking and other community facilities and resources* in that the project site is located in an urban area and is surrounded by residential development which is served by utility and public services; that the two buildings which previously existed on the lot and contains five residential units will be replaced with a four-story building containing eight residential units on the same lot and therefore can be adequately served by required utility and public services since the proposed project is only contributing three net new units on the site; and that a Mitigated Negative Declaration prepared for the previously approved 10-unit multifamily residential building analyzed potential impacts of new

infill development and included standard conditions of approval to mitigate potential environmental impacts, and with incorporation of these standard conditions of approval, the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and

- *Conformity with the general plan and density permitted by zoning regulations*, in that the project provides three additional residential units (8 total) consistent with the applicable general plan and zoning designations.

Findings for a Conditional Use Permit: In order to grant a Conditional Use Permit, 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 Conditional Use Permit: That because the multifamily residential condominium building is a permitted use and the stepped back third and fourth floors and well-articulated building facades of the 46-foot tall building respects the mass and scale of this portion of Floribunda Avenue, which has a mix of two, three and four-story multifamily residential buildings with a variety of architectural styles, the proposed use and building will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare or convenience; and that because the proposed eight-unit building is 38 units per acre and is consistent with the General Plan land use designation, the proposed use will be located and conducted in a manner in accord with the Burlingame general plan. For these reasons the project may be found to be compatible with the requirements for a Conditional Use Permit.

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

Suggested Findings for Tentative Condominium Map: That the proposed tentative condominium map, together with the provisions for its design and improvement, is consistent with the Burlingame General Plan, the Downtown Specific Plan and consistent with the provisions of the Subdivision Map Act; that the site is physically suited for the proposed type and density of development in that it provides residential uses in an area identified as suitable for such use in the Burlingame General Plan and Downtown Specific Plan (R-3 base district); that the project provides ample vehicular and pedestrian circulation to serve the project, and is consistent with required development standards including setbacks, lot coverage, open space and parking; therefore the project may be found to be compatible with the criteria listed above.

Planning Commission Action: The Planning Commission should hold a public hearing. Affirmative action on 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. Design Review, Condominium Permit and Conditional Use Permit.
2. Tentative Condominium Map (recommendation for approval by City Council).

Please note that the conditions below include mitigation measures taken from the previously adopted mitigated negative declaration (shown in italics). The mitigations will be placed on the building permit as well as recorded with the property and constitute the mitigation monitoring plan for this project. At the public hearing the following mitigation measures and conditions should be considered:

1. that the project shall be built as shown on the plans submitted to the Planning Division date stamped September 4, 2018, sheets A0.0 through A0.7, Topographic Survey, C0.1 through C3.0, L1.1 through L4.1 and A1.1 through A5.3;
2. that prior to issuance of a building permit for the project, the applicant shall pay the first half of the Public Facilities Impact fee in the amount of \$8,305.50, made payable to the City of Burlingame and submitted to the Planning Division;
3. that prior to scheduling the final framing inspection for the condominium building, the applicant shall pay the second half of the Public Facilities Impact fee in the amount of \$8,305.50, made payable to the City of Burlingame and submitted to the Planning Division;
4. 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;
5. that a Protected Tree Removal Permit shall be required from the Parks Division for removal of any tree on the property with a circumference of 48 inches or larger when measured fifty-four (54) inches above natural grade;
6. 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;
7. that the maximum elevation at the top of the roof ridge shall not exceed elevation 71.55' as measured from the average elevation at the top of the curb along Floribunda Avenue (25.55') for a maximum height of 46'-0", and that the top of each floor and final roof ridge shall be surveyed and approved by the City Engineer as the framing proceeds and prior to final framing and roofing inspections. The first floor finished floor shall be elevation 25.55'; second floor finished floor shall be elevation 41.55'; third floor finished floor shall be elevation 51.22'; fourth floor finished floor shall be elevation 61.89'. 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 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 Division or Planning Commission review (FYI or amendment to be determined by Planning staff);

9. 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;
10. that storage of construction materials and equipment on the street or in the public right-of-way shall be prohibited;
11. that the 'service vehicle stall' shall be marked on the service parking space and designated on the final map and plans, this stall shall not be assigned to any unit, but shall be owned and maintained by the condominium association, and the service vehicle stall shall always be accessible for parking and not be separately enclosed or used for resident storage;
12. that the Covenants Conditions and Restrictions (CC&Rs) for the condominium project shall require that the service vehicle stall shall be reserved for service vehicles only and shall not be used by condominium residents;
13. that the final inspection shall be completed and a certificate of occupancy issued before the close of escrow on the sale of each unit;
14. 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;
15. 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;
16. that any security gate system across the driveway shall be installed a minimum 20'-0' back from the front property line;
17. that prior to underfloor frame inspection the surveyor shall certify the first floor elevation of the new structure(s) and the various surveys shall be accepted by the City Engineer;
18. that all runoff created during construction and future discharge from the site shall be required to meet National Pollution Discharge Elimination System (NPDES) standards;
19. 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;

20. 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 stock piles to stabilize denuded areas shall be installed to maintain temporary erosion controls and sediment control continuously until permanent erosion controls have been established;
21. 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;
22. that if construction is done during the wet season (October 15 through April 15), that prior to October 15 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 event; 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;
23. that common landscape areas shall be designed to reduce excess irrigation run-off, promote surface filtration and minimize the use of fertilizers, herbicides and pesticides;
24. 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;
25. that this project shall comply with Ordinance 1845, the City of Burlingame Water Conservation in Landscaping Regulations, and complete landscape and irrigation plans shall be provided at the time of building permit application;
26. 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;
27. 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;
28. that all utilities to this site shall be installed underground. Any transformers needed for this site shall be installed underground or behind the front setback on this site;
29. that sewer laterals from the site to the public sewer main shall be checked and shall be replaced to city standards as required by the development;
30. that all abandoned utilities and hookups shall be removed;
31. that all drainage (including water from the parking garage) on site shall be required to be collected and pumped to the street as determined by the Public Works Department;
32. that demolition of the existing structures and any grading or earth moving on the site shall be required to comply with all the regulations of the Bay Area Air Quality Management District;
33. 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;
34. that all construction shall abide by the construction hours established in the Municipal Code;

35. that the applicant shall comply with Ordinance 1645, the City of Burlingame Recycling and Waste Reduction Ordinance, and shall submit a waste reduction plan and recycling deposit for demolition and new construction, before receiving a demolition permit;
36. that this project shall comply with Ordinance No. 1477, Exterior Illumination Ordinance; and
37. 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.

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

38. that prior to scheduling the foundation inspection a licensed surveyor shall locate the property corners, set the building envelope;
39. 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;
40. 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;
41. 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;

Mitigation Measures from Initial Study

Aesthetics

42. *The project sponsor shall be subject to the design review process to evaluate the aesthetics of the construction of a residential condominium in the Downtown Specific Plan R-3 District.*

Air Quality

43. *During construction, the project sponsor shall ensure implementation of the following mitigation measures during project construction, in accordance with BAAQMD standard mitigation requirements:*
 - a. *All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.*
 - 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 sweeping is prohibited.*
 - d. *All vehicle speeds on unpaved roads shall be limited to 15 mph.*
 - e. *All roadways, driveways, sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.*

- f. *Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of the California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.*
 - g. *All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.*
 - h. *Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.*
44. *The project sponsor shall implement the following GHG 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; and*
 - c. *Recycle at least 50 percent of construction waste or demolition materials.*
45. *The project shall include a common facility for trash disposal, recycling, and composting as shown on the project plans date stamped September 4, 2018.*
46. *The project sponsor shall participate in all residential recycling and composting programs offered by the solid waste provider to multifamily residential customers. This shall include the composting program, currently offered as an optional service.*

Biological Resources

47. *The applicant shall comply with the City's on-site reforestation requirements as approved by the City Arborist.*
48. *Construction under the Downtown Specific Plan 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.*

Cultural Resources

49. *In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 100 feet of the resources shall be halted and after notification, the City shall consult with a qualified archaeologist and Native American representative to assess the significance of the find. If any find is determined to be significant (CEQA Guidelines 15064.5[a][3] or as unique archaeological resources per Section 21083.2 of the California Public Resources Code), representatives of the City and a qualified archaeologist shall meet to determine the appropriate course of action. In considering any suggested mitigation proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the lead agency shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for historical resources or unique archaeological resources is carried out.*
50. *If paleontological resources, such as fossilized bone, teeth, shell, tracks, trails, casts, molds, or impressions are discovered during ground-disturbing activities, work will stop in that area and within 100 feet of the find until a qualified paleontologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the City of Burlingame.*
51. *If human remains are discovered at any project construction sites during any phase of construction, all ground-disturbing activity 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 applicant 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 applicant 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.*

Geology and Soils

52. *The project sponsor shall submit a detailed design level geotechnical investigation to the City of Burlingame Building Division for review and approval. The investigation shall include recommendations to develop foundation and design criteria in accordance with the most recent California Building Code requirements. All foundations and other improvements shall be designed by a licensed professional engineer based on site-specific soil investigations performed by a California Certified Engineering Geologist or Geotechnical Engineer. All recommendations from the engineering report shall be incorporated into the residential development design. The design shall ensure the suitability of the subsurface materials for adequately supporting the proposed structures and include appropriate mitigations to minimize the potential damage due to liquefaction.*

Hazards and Hazardous Materials

53. *That the applicant shall install fire sprinklers and a fire alarm system monitored by an approved central station as required by the Fire Marshal prior to the final inspection for building permit.*
54. *That prior to demolition of the existing structures on the site, a survey shall be performed to determine if there is any presence of asbestos. The person who performs the survey must be Cal-OSHA certified. If asbestos is found, the BAAQMD (Bay Area Air Quality Management District) shall be immediately notified and the applicant shall comply with asbestos removal requirements.*

Hydrology and Water Quality

55. *The project applicant shall prepare and implement a storm water pollution prevention plan (SWPPP) for all construction activities at the project site. At a minimum, the SWPPP shall include the following:*
 - a. *A construction schedule that restricts use of heavy equipment for excavation and grading activities to periods where no rain is forecasted during the wet season (October 1 thru April 30) to reduce erosion associated intense rainfall and surface runoff. The construction schedule shall indicate a timeline for earthmoving activities and stabilization of disturbed soils;*
 - b. *Soil stabilization techniques such as covering stockpiles, hydroseeding, or short-term biodegradable erosion control blankets;*
 - c. *Silt fences, compost berms, wattles or some kind of sediment control measures at downstream storm drain inlets;*
 - d. *Good site management practices to address proper management of construction materials and activities such as but not limited to cement, petroleum products, hazardous materials, litter/rubbish, and soil stockpile; and*
 - e. *The post-construction inspection of all drainage facilities and clearing of drainage structures of debris and sediment.*
56. *The project shall comply with Ordinance 1503, City of Burlingame Storm Water Management and Discharge Control Ordinance.*
57. *The project shall comply with Ordinance 1845, City of Burlingame Water Conservation in Landscape Ordinance.*
58. *That all surface storm water runoff created during construction and future discharge from the site shall be required to meet National Pollution Discharge Elimination System (NPDES) standards as adopted by the City of Burlingame.*
59. *That all construction shall be done during the hours of construction imposed by the City of Burlingame Municipal Code; these hours are between 8:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. and 6:00 p.m. on Saturdays. There shall be no construction on Sundays or holidays.*
60. *To reduce daytime noise impacts due to construction, the project sponsor shall require construction contractors to implement the following measures:*
 - a. *Equipment and trucks used for project construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically-attenuating shields or shrouds, wherever feasible).*

- b. Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible.*
61. *That the method of construction and materials used in construction shall insure that the interior noise level within the building and inside each unit does not exceed 45 dBA in any sleeping area.*

Transportation/Traffic

62. *CityLift Model No. 2LP3W6 (or comparable) parking lifts shall be installed in the garage, 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. Sound absorption materials will be used to minimize any excessive noise from the operation of the parking lifts.*
 - c. Signage shall be installed in each garage explaining the proper use of the lifts and emergency contact information for lift maintenance or problems.*
 - d. The applicant shall be required to work with the manufacturer during construction to review issues related to installation of the parking lifts and to receive operational and safety training of the parking lifts.*
 - e. The final design of the parking lifts shall be subject to the review and approval of the Community Development Director.*
63. *A minimum of thirteen (13) parking spaces shall be permanently maintained on the same lot with the building, including the spaces provided by the lifts.*

Ruben Hurin
Planning Manager

Attachments:

August 13, 2018 Planning Commission Meeting Minutes
Applicant's Response Letter, dated August 27, 2018
May 11, 2015 and February 24, 2014 Planning Commission Meeting Minutes
Application to the Planning Commission
Applicant's Letter of Explanation, date stamped October 19, 2017
Conditional Use Permit Application
CityLift Product Data Sheets
Downtown Specific Plan Applicable Design Guidelines
Planning Commission Resolution (Proposed)
Notice of Public Hearing – Mailed September 14, 2018
Area Map

Separate Attachments:

Addendum to Mitigated Negative Declaration
Mitigated Negative Declaration and Initial Study (ND-569-P), dated February 6, 2014