

## City of Burlingame

*Mitigated Negative Declaration, Design Review, Conditional Use Permit  
and Zoning Code Amendment for a 7-story, Mixed-Use Development*

**Address:** 1766 El Camino Real

**Meeting Date:** August 24, 2020

**Request:** Application for Mitigated Negative Declaration, Design Review, Conditional Use Permit for mechanical parking stackers and Zoning Code Amendment to reduce the office parking ratio for a new seven-story, mixed-use building with retail, office and 60 residential units with below grade parking.

**Applicant and Property Owner:** Certosa Inc., Mario Muzzi

**Architect:** Smith Group, William J. Higgins FAIA

**APN:** 025-161-110

**Lot Area:** 1.70 acres (74,168 SF)

**General Plan:** North Burlingame Mixed Use

**Zoning:** NBMU (North Burlingame Mixed-Use)

**Adjacent Development:** Police Department, Office buildings, Convalescent Hospital, Vacant Parcel

**Current Use:** Office / Art Museum

**Proposed Use:** Mixed-use development including Retail/Office/Residential

**Allowable Use:** Mixed-use developments are permitted

**Project Summary:** The project site is a corner property located at the southeastern corner of El Camino Real and Trousdale Drive, and approximately one-half mile from the Millbrae multimodal station. The site is accessed from a frontage road along El Camino Real, from Trousdale Drive, and there is also a through portion of the lot from El Camino Real to California Drive. This 66-foot arm of the property wraps around the back of the adjacent Police Station (at 1111 Trousdale Drive) and connects directly to California Drive. The site totals 1.7 acres and is currently occupied by a two-story mixed-use building that formerly included the Peninsula Museum of Art, which has permanently closed. Adjacent to the subject property to the east is the Burlingame Police Department, to the south is an office building, across the street to the north is a vacant parcel and a convalescent hospital, directly across El Camino to the west is Peninsula Hospital, and across El Camino to the west is Burlingame Plaza shopping center.

The applicant is proposing construction of a new 7-story, mixed-use building. The project would include 7,588 SF of retail uses on the ground floor (to be determined), four floors (floors 2 through 5) of office totaling 148,057 SF, and two floors (floors 6 & 7) of residential (60 units). The overall height would be 89'-6" to the top of the parapet and 95'-0" to the top of the elevator penthouse. The project would provide a total of 385 on-site parking spaces located in two levels of below grade parking with the remaining spaces located at grade in the portion of the lot that connects directly to California Drive.

The entitlement application includes a request for a Zoning Code Amendment to reduce the parking ratio for office uses in the NBMU District to 1 parking space per 400 square feet. The proposed on-site parking is based on this ratio of 1 space per 400 square feet of office, where the existing zoning regulations require 1 parking space per 300 square feet of office. Of the 385 parking spaces proposed, 144 would be provided in the form of mechanical parking lifts (stackers). The NBMU zoning regulations allow for mechanical parking lifts with approval of a Conditional Use Permit from the Planning Commission. The residential parking requirement would be met with 69 residential parking spaces; 20 retail parking spaces provided on-site as required by code; and 296 office parking spaces provided where 395 office parking spaces are required (assuming 20% reduction with TDM).

The ground floor along El Camino Real would consist of a public plaza leading to the office lobby, as well as to the entrance to two commercial (retail/personal service-TBD) spaces, and would function as the main building

frontage. There would be two access points to the parking, with a ramp accessed from the south side of the El Camino Real frontage road and a driveway along the California Drive frontage. There is a third access driveway to the site along Trousdale Drive, however this does not connect to the parking levels. This driveway leads to the residential lobby with a designated drop-off and pick-up zone and three visitor parking spaces. This is a drive-through lane with a turnaround at the end to prevent backups, as well as to provide adequate fire engine turnaround to allow full access to the site in emergencies. The ground floor along Trousdale Drive would include a landscaped frontage with a side entrance to one of the commercial (retail) spaces, as well as a separate entrance to the fitness center.

The residential lobby would be located at the rear of the building and accessed from a dedicated driveway off of Trousdale Drive leading to a circular driveway, where three visitor parking spaces would be provided at the turnaround point. The residential lobby would be recessed with a canopy above providing a pronounced entrance to the residential lobby with a dedicated drop off area in front of this entrance. The ground floor lobby area would include a leasing office, bike parking area, bike/dog washing area, along with four (4) residential units. The ground floor lobby areas for the residences and office space would be completely independent of one another, each with their own elevators and stairs; there is one door that would provide an internal connection between the lobbies, however this is Fire Department access as well as building operations, but not for general public use.

The proposed project includes a total of 60 residential units that would be located on the 6<sup>th</sup> and 7<sup>th</sup> floors of the proposed 7-story building, with the exception of four of the units located on the ground floor. The residential units would be rental units (apartments) with 5% (3 units) being below market rate (BMR) for low income households that do not exceed 80% of the average median income (AMI). The unit breakdown would include: 45 one-bedroom units (75%) that would range from 665 square feet to 1,034 square feet; 12 two-bedroom units (20%) that would range from 1,089 square feet to 1,352 square feet; and 3 three-bedroom units (5%) that would range from 1,089 square feet to 1,477 square feet.

A public plaza would be provided at the front of the project along El Camino Real and would also include space along Trousdale Drive. The public plaza space would total 7,928 SF, with the main plaza area (5,778 SF) provided on the El Camino Real frontage and the remainder wrapping around to Trousdale Drive. The plaza would include trees, landscaping, seat walls and planters, trash and recycling receptacles, lighting and bike racks. These spaces would be owner operated and maintained by the developer or property manager.

The NBMU interim zoning includes "tiered" development standards requiring community benefits to be included in projects in order to achieve the highest residential densities and building heights. The applicant has elected to develop consistent with "Tier 3" development standards, which is the highest tier. Projects using Tier 3 standards shall provide at least three community benefits (see Community Benefits section in staff report for additional information). Planning staff has determined that the proposed project complies with the Tier 3 development standards.

The following applications are requested for this project:

- Environmental Review in accordance with CEQA; Initial Study/Mitigated Negative Declaration prepared by ICF;
- Design Review for construction of a new 7-story, mixed-use building with retail, office and 60 residential units with below grade parking (C.S. 25.40.020);
- Conditional Use Permit for mechanical parking stackers (C.S. 25.40.050)(D);
- Approval of Community Benefits Bonuses for a Tier 3 project; the Planning Commission may approve Tier 3 projects if it determines that a project includes at least three community benefits (Code Section 25.40.030); and

- Zoning Code Amendment to reduce the office parking ratio from 1:300 SF to 1:400 SF for office uses in the NBMU District (C.S. 25.70.040) (refer to accompanying staff report for zoning code amendment).

**1766 El Camino Real**

**Lot Area:** 74,168 SF (1.70 acres)

**Plans date stamped:** October 22, 2019/  
Revised August 10, 2020

	<b>Proposed</b>	<b>Tier 3 Projects Maximum Allowed/ Minimum Required</b>
<b>Density - Residential Units:</b>	35 du/ac 60 units	140 du/ac 238 units
<b>Density - Commercial Space:</b>	0.10 FAR (7,588 SF)	1.0 FAR (74,168 SF)
<b>Density - Office Space:</b>	1.99 FAR (148,057 SF)	2.0 FAR (148,336 SF)
<b>Building Height:</b>	7 stories 89'-6" to top of parapet 95'-0" to top of penthouse	9 stories 100'-0"
<b>Setbacks</b>		
<b>Front (El Camino Real):</b>	19'- 41'	0' to 10' for first 35'
<b>Side - Interior:</b>	10'-0"	10'-0"
<b>Side – Street (Trousdale Dr):</b>	20'	0' to 10' at least 60% of the structure located at the streetscape frontage line per Table 25.40-3
<b>Rear:</b>	20'-0"	15'-0"
<b>Lot Coverage:</b>	50.2% 37,236 SF	80% 59,334 SF
<b>Open Space - Landscaping:</b>	<u>Common</u> 7,928 SF ground (public plaza- ECR/Trousdale) 5,044 SF roof <b>12,972 SF – total common open space</b>  <u>Private</u> 951 SF – ground flr 2,389 SF – 6 <sup>th</sup> flr balconies 2,536 SF – 7 <sup>th</sup> flr balconies <b>5,876 SF total private open space (approx. 97 SF / unit)</b>	100 SF per unit = 600 SF Min dimensions of open space: - Private: 5 ft. deep, 8 ft. wide - Common: 15 ft. in any direction may be private, common or both  <hr style="width: 20%; margin: auto;"/> 10% (7,417 SF) of the entire site See 25.40.040

	<b>Proposed</b>	<b>Tier 3 Projects Maximum Allowed/ Minimum Required</b>
<b>Landscape Coverage:</b>	25.2 % of site 18,703 SF	10% of site 7,417 SF
<b>Public Plaza:</b>	7,928 SF (combined frontages – ECR 5,778 SF + Trousdale 2,150 SF )	2,000 SF
<b>Number of Parking Spaces:</b>	<p><u>Residential</u> 69 spaces</p> <p><u>Retail</u> 20 spaces</p> <p><u>Office</u> 296 spaces</p> <p><b>TOTAL</b> <b>385 spaces proposed</b> <sup>1</sup> (144 of proposed spaces to be provided in stackers)<sup>2</sup></p> <p>(81 less spaces than required w/ TDM) or (18 more spaces than required with code amendment 1:400 SF approved)</p>	<p><u>Residential</u> 45 - 1-bdr units x 1.0 = 45 spaces 12- 2-bdr units x 1.5 = 18 spaces <u>3- 3 bdr units x 2 = 6 spaces</u> <b>69 residential spaces</b></p> <p><u>Retail</u> 1 space:400 SF 7,588 SF / 400= <b>19 spaces</b></p> <p><u>Office</u> 1 space:300 SF<sup>3</sup> 148,057 SF / 300 = <b>494 spaces</b></p> <p>1 space:400 SF (proposed amendment) 148,057 SF / 400 = 370 spaces</p> <p><b>TOTAL</b> 582 spaces - 20% TDM = <b>466 spaces</b></p> <p>or</p> <p><b>367 spaces</b> with <u>code amendment</u> AND <u>20% reduction</u> applied</p>
<b>Parking Stall Dimensions:</b>	8'-6" x 17'-0"	8'-0" x 17'-0"
<b>Aisle Dimensions:</b>	24'-0"	24'-0" for 90-degree parking

<sup>1</sup> Please refer to Table 1 for additional parking summary details in attached Zoning Code Amendment staff report for office parking reduction in NBMU.

<sup>2</sup> Code Section 25.40.050(D) requires approval of a Conditional Use Permit for utilization of stackers or mechanical systems in the NBMU zone.

<sup>3</sup> Application submitted and under consideration for Zoning Code Amendment to reduce office parking ratio for NBMU from 1:300 SF to 1:400 SF (see Item 8c-b).

	<b>Proposed</b>	<b>Tier 3 Projects Maximum Allowed/ Minimum Required</b>
<b>Driveway Width:</b>	24' on ECR 24' on California Dr. 20' on Trousdale Dr.	Parking areas with more than 30 vehicle spaces shall have two 12'-0" wide driveways or one 18'-0" wide driveway
<b>Bicycle Parking:</b>	40 inside building 4 outside (plaza)	30 resident (0.5 spaces/unit) 3 guest (0.05 spaces/unit)
<b>Electric Vehicle Charging Stalls:</b>	24 spaces (6% of all spaces)	19 spaces (5% of all spaces)

**Background:** The proposed project was reviewed by the Planning Commission at two public hearings. The applicant wanted to check in with the Planning Commission for a second Design Review Study meeting on October 28, 2019 to ensure they understood the direction provided at the first meeting. Each meeting is summarized below.

**September 23, 2019 Planning Commission Environmental scoping and Design Review Study Meeting:** This project was first reviewed by the Planning Commission for Environmental Scoping and Design Review Study on September 23, 2019 (September 23, 2019 Planning Commission Minutes attached). The Planning Commission received two letters from residents (attached) and took public comments from three members of the public at the scoping/study session.

The Planning Commission provided comments related to the items to be studied as part of the environmental review, however the majority of the discussion at the September 23, 2019 meeting centered on the design of the proposed project. Staff has provided an overview of the Planning Commission comments below:

Building/Site Design

- Building is very horizontal, feels cold, very frontal, stayed and measured;
- Gateway project with a lot of opportunity at this location - want to see something exceptional at this corner location;
- Long 300 foot façade has to be broken up; homogenous project except for the intentional splitting of the building into three pieces over 300 feet;
- Homogenous project except for the intentional splitting of the building into three pieces over 300 feet;
- Doesn't feel like Burlingame or that it belongs at this site;
- Landscaping needs additional work in terms of detailing and articulation;
- Need to define corner with two elements of facades coming together;
- Given location of nearby single family homes, this project feels one floor too tall;
- Need to set standard with new design, don't mimic existing medical buildings;
- Focus on details;
- Needs to have asymmetry and less homogeneity; and
- Need to look at the urban design requirements of the site (corner) which has to do with the entrance and interface with the hospital across the street.

Parking Ratio Amendment

- Not convinced that 1:500 SF is right ratio for this area;
- Could support 1:400 SF ratio; and
- Support ratio change but 1:500 SF feels light.

Positive aspects of proposal

- Accepting of CUP for mechanical stackers;
- Like bulb outs and improved pedestrian features for this corner;
- Appreciate the mix of uses proposed; great addition to this area;
- Contemporary design makes a lot of sense for this corner, headed in the right direction; and
- Great opportunity for a gateway project.

After consideration of the above comments from the September 23, 2019 study meeting, the applicant revised the project design in response to these comments in the plans date stamped October 22, 2019 (see attached response letter submitted by the applicant, dated October 21, 2019). The revisions are summarized as follows:

- Revised design concept is a more dynamic composition and scale to suit this location;
- El Camino façade has been revised to be less static and more compositional by articulating the Trousdale Drive corner as a stronger end element that frames this gateway (corner);
- Grand canopy frames unifies the four office floors and links the center building mass to the end mass to create an asymmetrical movement to the design; this element is further enhanced with color and face pattern change at the residential floors above;
- Trousdale Drive corner is articulated with a punched opening end element that frames this gateway corner and acts as a transition to the more transparent El Camino Real façade;
- Office lobby entrance includes a horizontal extension of the grand canopy to announce the El Camino Real office lobby while also serving as covered protection for this building entrance; and
- Additional detail has been given to the planting around the fitness area, and the dog run has a more diagrammatic layout with seating, planting and agility toys provided for small dogs.

In addition to the architectural changes, the applicant revised the requested zoning code amendment for office parking from the original request of 1 space per 500 SF to 1 space per 400 SF. The project description has been revised to reflect this request and is detailed in the accompanying staff report for the zoning code amendment, Item 8c (b) on the August 24, 2020 agenda.

**October 28, 2019 Planning Commission (2<sup>nd</sup>) Design Review Study Meeting:** This project was reviewed by the Planning Commission at their second Design Review Study on October 28, 2019 (October 28, 2019 Planning Commission Minutes attached). The Planning Commission took public comments from three members of the public at the second study session. On balance the Planning Commission was pleased with the design changes that were made to the building. The revised parking ratio of 1:400 SF felt more comfortable and supportable. The Commission felt that the project was well designed and moving in the right direction and had the following comments/suggestions:

Plaza Design

- Looks like the plaza is 35 to 40 feet deep in front of the building. Who is going to use that and when? Is there seating there?
- Plaza seemed really large, worry about it being grand open space that doesn't get used very much. Can see it being used incidentally. Does it get good sun?

El Camino Real / Trousdale Drive Corner

- Is it possible, both in terms of where the property line falls and in terms of the architecture or structural articulation, to add an awning structure so that it provides emphasis to that corner?
- Things that have been done to try to reinforce that corner have gone a long way of doing that, like suggestion to reinforce if further;
- Corner element needs a little bit more reinforcement, so think that of kind articulation with the architecture can move forward in parallel with the environmental assessment;
- The enhancement of the corner reinforcing the corner is very important; and

- Corner at Trousdale Drive can still be strengthened further, would like to see a little more of an experience on that corner, other than a corner of glass.

#### El Camino Real Canopy

- Not convinced about the grand canopies. More convinced by the lower level canopy because it has a function, it can be seen as a cover for entry, however the upper canopy seems superfluous;
- With that said, the fact it's functional at the ground level makes some sense;
- Like the upper extended fin because of what it does in terms of unifying that element along the façade in terms of separating the office from the residential, like what's happening in terms of the vertical piece;
- There is a potential, if the architecture and detailing still works for the opening to make it lattice like, it's going to create a real dynamic for the light that's coming down the alcove, there's a nice opportunity for some play of light coming through there with that upper fin;
- Like the angles of the grand canopy, at least at that ground floor, because it adds that cover and it responds to the angle of the slip street in terms of the site planning; and
- Like the upper fin as it relates to the one at the street level, which provides a great opportunity for signage and shade, agree that there's an opportunity to allow light infiltration through that upper canopy and although it provides shade, it can act arbor-like or like a fin, can be a nice element rather than a solid piece that carries across the whole frontage.

#### El Camino Real Massing

- Architectural enhancement of the residential portion has helped to stratify the building and give it structure;
- Like the way that the building is starting to talk to the medical office building across the street;
- Previously the building had bowed elements, now we have something that's actually different and have some component pieces that are working better; and
- Like some of the things that are developing with this rendition of the building, appreciate the bowed facade being turned more rectilinear.

#### Other

- Need to look into how this project could potentially affect the police department's communication system and how this potentially could be blocking some of their radio signals; and
- Is there a way to incorporate a secondary entrance on Trousdale Drive so that one who is walking from the multimodal station doesn't have to travel all the way around into almost a second half of the frontage on El Camino Real to get into the office building?

The applicant and project architect revisited the project following the second study meeting and made additional revisions to the plans based on the above comments from the October 28, 2019 Design Review Study meeting. In addition, the project architect has provided a detailed response to the other Commission comments and suggestions in the attached response letter submitted, dated August 14, 2020. The revised plans, date stamped August 10, 2020 include the revisions summarized below.

- The Trousdale / El Camino Real corner is framed with a stronger punched opening expression that anchors both facades yet maintains a transparency to acknowledge this important part of the building. There is an additional layering of the façade with extended slab edges to provide more depth to the corner. They have also extended the cantilevered slab at the second floor 8' beyond the face of the building to provide additional pedestrian cover and stronger emphasis to this important corner;
- The El Camino Real massing has been modified to simplify the number of moves and to create a calm façade that is more legible in its composition; and
- The plans have been revised to incorporate the radio and antenna transmission system that will need to be relocated from the Police Department at two locations on the roof of the new building.

**Environmental Review:** On September 23, 2019 the Planning Commission held an Environmental Scoping meeting where staff requested the Planning Commission provide comments on any potential environmental effects to be considered in the CEQA document. An Initial Study/Mitigated Negative Declaration (IS/MND) for the project was prepared and determined that there were no environmental impacts that were identified that could not be mitigated to less than significant levels.

The 20-day public review period occurred from July 15, 2020 to August 4, 2020 and one comment letter was received. This letter was from the City and County Association of Governments (C/CAG). C/CAG requested that that Airport Land Use Committee (ALUC) be added to the list of agencies whose approval is required for this project. The letter states that the Project will be subject to formal review by the ALUC, for a determination of consistency with the San Francisco International Airport (SFO) Airport Land Use Compatibility Plan (ALUCP) prior to local agency action on the Project. Final action on this project will be with the City Council because of the code amendment requested.

Staff notes that this project will require review and approval from the Airport Land Use Committee (ALUC) which is managed by C/CAG in San Mateo County (City/County Association of Governments). ALUC review is required in this case because the ALUC did not review the North Burlingame Mixed Use Interim zoning since it was passed by urgency ordinance. The City has filed the application for a land use consistency determination with C/CAG and the project will likely be reviewed by the ALUC in late September, followed by the C/CAG Board review tentatively scheduled for October. These hearings/approvals are required prior to City Council action on this project. Staff has included two specific conditions related to housing in the flight path of SFO that are typical conditions placed upon projects by the ALUC. Please note that on July 28, 2020, the Federal Aviation Administration (FAA) issued an approval letter to the applicant that identified that an aeronautical study was prepared. This study found that the proposed structure would not exceed obstruction standards and would not be a hazard to air navigation. This letter is included as Appendix A to this Response to Comments. This FAA approval includes an expiration date of January 28, 2022, therefore staff has included a condition of approval requiring that the FAA letter on file with the City at the time of building permit issuance be current and renewed if necessary, dependent on the date that a building permit is issued for this project.

A response to these comments memorandum has been prepared by ICF (environmental/CEQA consultant) to formally address this letter, which is included as part of the administrative record and are attached.

Based on the environmental analysis, it was determined that the proposed project would have no adverse impacts on the environmental in the areas of aesthetics, agriculture and forestry services, energy, hazards/hazardous materials, hydrology/water quality, land use/planning, mineral resources, population/housing, public services, recreation, utilities and service systems and wildfire. Although the environmental analysis did find that the project could have a significant effect in the areas of air quality, biological resources, cultural resources, geology/soils, greenhouse gas emissions, noise, transportation, and tribal cultural resources, therefore mitigations measures were identified to reduce adverse impacts to acceptable level.

While most of the potentially significant impacts were typical for larger projects, specific to this project were the biological mitigations related to bird safety and for cultural resources the mitigation includes a pre-construction survey both of which would reduce impacts to less than significant levels. All other mitigation measures are standard and commonly imposed on projects of this stature.

**General Plan and North Burlingame Mixed Use (NBMU) Zone Interim Standards:** In January 2019, the City adopted a new General Plan and certified the Environmental Impact Report (EIR). The new General Plan includes higher densities and mixed-use zoning designations in the north end of Burlingame.

State law requires zoning ordinances to be consistent with the respective General Plan. Given the amount of time required to prepare the Zoning Ordinance Update (for implementation of the new General Plan) staff worked with the consultant team to develop interim regulations applicable to the most significant "change



areas” identified in the Draft General Plan which included the North Burlingame Mixed Use Zone (“North Burlingame Mixed Use” land use designation. This zoning implements the General Plan mixed-use zoning with increased densities given the proximity to Burlingame Plaza and the Millbrae multimodal transit station.

The purpose of the NBMU Zone is to implement the General Plan North Burlingame Mixed-Use designation by providing a distinct, defining area at the City’s north gateway on El Camino Real, with housing and complementary commercial and office uses at urban-level intensities, and that takes advantage of the adjacent multimodal transit center. This transit-oriented development district accommodates housing at progressively higher densities based on the level of community benefits provided, with the goal of ensuring that new development adds value for all in the City.

As noted in the “Environmental Review” section above, because the project could not be considered “consistent” with the current General Plan because the interim zoning for the NBMU District was not reviewed by the ALUC. Therefore this stand-alone project requires ALUC (C/CAG) review for land use consistency with the Airport Land Use Plan.

**Staff Comments:** Given the location of the subject property immediately adjacent to the Burlingame Police Station and the height of the proposed building, potential impacts on communications to and from the Police Station due to interference with the rooftop communications equipment are anticipated. Staff would note that C.S. 25.58.040 (General Provisions- Required public safety communications equipment and wireless access point agreement) requires a condition of approval on any structure greater than 35’ in height for the location of public safety communications equipment if necessary.

Staff worked with the applicant, in conjunction with Police Department communication consultants to determine the appropriate location of the existing communications equipment that will need to be relocated. The roof plan on sheet A1.10 shows two potential relocation areas for the radio antenna and cabinet on the mechanical penthouses of the new building. The applicant is aware of this issue and will comply with the relocation and access criteria as detailed in the conditions of approval.

**Community Benefits:** To provide an incentive for development, and in partnership with the City to provide community benefits that would not otherwise be created, the Planning Commission may grant increased FAR, density, and/or height in return for provision of specific community benefits, if doing so is in the City’s interest and would help implement the General Plan and further, if these benefits cannot be realized without granting increased FAR, height, and/or density. The NBMU Interim Zoning Standards includes “tiered” development standards requiring community benefits to be included in projects in order to achieve the highest residential densities and building heights.

The applicant has elected to develop this property consistent with Tier 3 development standards. Planning Commission approval is required for Tier 3 projects if it is determined that the project includes at least three community benefits; at least one of the community benefits must be an affordable and workforce housing objective. Please refer to the attached North Burlingame Mixed-Use Zone for a complete list of community benefits. The applicant is proposing to provide the following three community benefits (a minimum of three are required):

- Affordable Housing – Section 25.40.030(B)(4)(a)(i) - The project would include 5% (3 units) below-market rate units for affordable low income households (80% of San Mateo County’s Area Median Income (AMI)) for 55 years. The 2020 San Mateo County Income Limits for low income is a maximum of \$97,440 for a single-person household, a maximum of \$111,360 for a two-person household, a maximum of \$125,280 for a three-person household, and maximum of \$139,200 for a four-person household (see attached San Mateo County 2020 income limits).
- Public Plaza Beyond Minimum – Section 25.40.030(B)(4)(c) - The project includes an approximately 7,928 SF publicly accessible plaza, well in excess of the 2,000 SF minimum. The plaza includes a

landscaping, outdoor seating, trash/recycling receptacles and bike racks as required by the interim zoning standards.

- Mode Split - Section 25.40.030(B)(4)(h) – The project includes a Transportation Demand Management (TDM) Plan that would include measures such as transit subsidies, employing a transportation coordinator, providing an emergency ride home program, a bike sharing program, and unbundled parking.

**Landscaping:** Proposed landscaping throughout the site is shown on the Landscape Plans (sheets L1.0 through L4.0). The NBMU interim standards require that for Tier 3 projects that 10% of the site be landscaped. In addition, the NBMU interim standards require that at least 60% of the required front and street side setbacks be landscaped to provide a transitions to the sidewalk. The project proposes 25.2% site landscaping with 60% landscaping in the front and side setbacks and therefore complies with the landscaping requirements. Landscaping is provided throughout the site, including in the public plaza along El Camino Real, Trousdale Drive frontage, at the rear around the residential turn around between the building and property lines, on the roof deck open space and in front of the California Drive at-grade parking.

The interim standards for the NBMU District are intentionally prescriptive in order to create the streetscape design visualized for this area. These requirements include 5-foot by 5-foot tree wells along El Camino Real, a minimum of a 5-foot planter zone on street facing sides, a 10-foot minimum (public) walk zone, and a minimum of 10 feet of landscape buffer for parking spaces abutting a street.

The proposed project includes nine (9) new street trees along the El Camino Real frontage and five (5) new street trees along Trousdale Drive. The street trees would be located within 5-foot by 5-foot tree wells and would include Red Oaks and Patriot Elm trees. In addition, the planters in the public plaza, along Trousdale Drive and on the roof deck would also include trees and shrubs as detailed in the planting list on sheet L4.0.

**Off-Street Parking/Transportation Demand Management (TDM):** Parking requirements are based on the number of bedrooms proposed per unit for the residential portion of the project and ratios for the square footage of retail and office uses. The NBMU interim zoning standards, Section 25.40.050, provides reduced residential parking standards given the proximity of this zone to the Millbrae multimodal transit station. In the NBMU District, the minimum parking requirement is 1 space for each one-bedroom unit, 1.5 spaces for each two-bedroom unit, and 2 spaces for each unit containing 3 or more bedrooms; no guest parking is required. The proposed project includes 45 one-bedroom units, 12 two-bedroom units, and 3 three-bedroom units and therefore requires a total of 69 spaces for the residential use, which are provided on-site. The residential parking requirement would be met with 69 residential parking spaces, and 20 retail parking spaces would be provided on-site as required by code. With regard to the office parking, this application for entitlements includes a request for a zoning code amendment to reduce the office parking regulations in the NBMU District from 1:300 SF to 1:400 SF, which is detailed in a separate staff report (see Item 8c (b)).

The project includes 148,057 square feet of office space on floors two through five. The existing zoning regulations require 1 parking space per 300 square feet of office, for a total of 396 spaces (with 20% TDM reduction) that would be required for this proposal where 296 office parking spaces are proposed. The office parking that is being proposed is based on a parking ratio of 1 space per 400 square feet of office, with an accompanying request for a Zoning Code Amendment to reduce the office parking ratio in the entire NBMU District to 1:400 SF. The retail space proposed on the ground floor is 7,588 SF and the zoning code requirement 1 parking space per 400 square feet of retail (commercial), with 19 spaces required for this use where 20 on-site parking spaces are proposed.

The project would provide a total of 385 spaces, where the code requires 466 spaces with a 20% reduction applied for including of a Transportation Demand Management (TDM) plan (582 off-street spaces required w/o TDM plan). The General Plan Update and NBMU zoning provide for a 20% parking reduction for projects that utilize a Transportation Demand Management (TDM) plan per Section 25.40.030(B)(4)(h) provided the project

includes a permanent mobility mode shift towards alternative transportation of 25% or greater for building occupants through the TDM program. The applicant intends to implement a TDM program per the Hexagon Transportation Consultants memo, dated June 18, 2019 (attached as Appendix A in IS/MND). The TDM program would include measures such as retaining a transportation coordinator, providing transit subsidies, maintaining an emergency ride home program, provide bicycle sharing, and unbundled on-site parking.

Staff would note that by implementing the TDM program and using a 1:400 SF parking ratio for office, the required on-site parking would be 367 spaces, where 385 space are proposed, or 18 spaces more than required.

Of the 385 parking spaces proposed, 144 would be provided in the form of mechanical parking lifts (stackers). The NBMU zoning regulations allow for mechanical parking lifts with approval of a Conditional Use Permit from the Planning Commission (application attached).

The site would have three driveway access points. The on-site parking would be provided in two-levels of below grade parking, with two access points: a driveway along El Camino Real into the first level of below grade parking and there would also be a second access point with an at-grade driveway that would be accessed from the portion of the property that connects with California Drive. This arm of the property is approximately 65-feet wide by 180-feet long and would provide 40 at-grade parking spaces (20 spaces on each side) along the driveway leading to the below grade parking. There would also a driveway along Trousdale Drive that would provide access to the residential drop off area in front of the residential lobby; there would be three (3) at-grade visitor parking spaces provided at the end of that circular driveway.

The first level of below grade parking would include 159 spaces including a mix of electric vehicle (EV), disabled-accessible, van accessible, clean air spaces and motorcycle spaces. The second level of below grade parking would include 223 spaces and motorcycle spaces; of the 223 spaces on the lower level, 144 of the spaces would be in the form of mechanized stackers. The project would include both three and five-car stackers, which requires approval of a Conditional Use Permit for projects located in the NBMU District.

The NBMU interim standards require 0.5 bicycle parking spaces per unit for residents and 0.05 spaces per unit of bicycle parking for guest bicycles. The project meets this requirement with bicycle parking provided in a secured room on the ground floor within the building for 40 bicycles and an additional four bicycle parking spaces provided in front of the building in the public plaza fronting on El Camino Real. The interim standards also explicitly require that 5% of all parking spaces be prepared for EV charging equipment; the proposed project complies with this requirements with 23 EV spaces (6%) included on-site.

### **Development / Impact Fees:**

#### *North Burlingame/ Rollins Road Development Fee*

Development fees for projects in the North Burlingame/Rollins Road Specific Plan are subject to the following fees: \$0.63 per SF multifamily and \$0.80 per SF for other uses. New development that, through demolition or conversion, will eliminate existing development is entitled to a fee credit offset for the existing development. The fees are calculated based on the fee schedule in effect *at the time the building permit is issued*, with half of the fees required at permit issuance and half due prior to the framing inspection. The North Burlingame/Rollins Road Development fee is estimated to be \$150,319.

#### *Residential Impact Fees – Not Applicable*

The City Council adopted Residential Impact Fees on April 1, 2019. The proposed project is subject to the fees based on the formula set forth in Code Section 25.82 which sets the fees based on the dwelling units per acre, with different rates for prevailing wage and non-prevailing wage for labor used for the construction of the project. In this case, the rate would be \$14 per square foot (up to 50 du/ac with prevailing wage) with the Residential Impact fee estimated to be \$1,174,180.00.

However, because the project would include 5% of the units as low income BMR units, as per C.S. 25.82.070(a), the fee is not required as the units would be provided on-site. The code states that if a project mitigates affordable housing impacts through the construction of afford units on site with a guarantee of affordability for a period of 55 years, then the impacts of residential development on the need for affordable housing shall be deemed mitigated. The applicant is proposing 5% of the residential units as low income BMR units, therefore the Planning Commission may approve the provision of affordable units on site, consistent with the requirements set forth in subsection (b), as part of the review of the project, which would eliminate the requirement to pay the Residential Impact Fee as three (5%) low income BMR units would be provided on-site.

#### *Commercial Linkage Fees*

Commercial Linkage Fees are based on the square footage for new commercial development projects. These fee calculations include gross square feet of floor area, excluding enclosed parking areas, and include a credit for existing uses. The rates are based on the land use and for office uses this rate is higher when there is more than 50,001 SF of office space proposed. In addition, the rates vary for prevailing wage and non-prevailing wage for labor used for the construction of the project. The commercial linkage fee is to be paid in full prior to the issuance of the first building permit for commercial development projects. For the proposed project, which includes 7,588 SF of retail space and 148,057 SF of office, the commercial linkage fee totals \$2,317,820 (includes credit for existing uses).

In summary, if the affordable units are provided on-site, then the project would not be subject to the Residential Impact Fee, and with the credits applied for the Commercial Linkage fee and the North Burlingame/Rollins Road Development fees the estimated total development/impacts fees would be approximately \$2,468,140.00.

**Design Review:** The purpose of this design review study meeting is to provide initial comments on design elements as they relate to the proposed project. The criteria for design review in mixed-use districts is detailed in Code Section 25.57.030 (g) and requires the proposed project to be reviewed by the Planning Commission for the following considerations:

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

**Suggested Findings for Design Review:** That the proposed project supports the pattern of diverse architectural styles that characterize the City's mixed-use area with a grand canopy that unifies the building massing horizontally along the angled slip road and articulates the position of the upper residential floors from the main body of the office floors. The subject property is a gateway site that

will provide a new scale of building and a new type of architecture with a mix of uses added to this area. This visually prominent, gateway site has been designed with a strong punched opening expression that anchors both facades at El Camino Real and Trousdale Drive and will maintain a transparency to acknowledge this important part of the building. The design respects and promotes pedestrian activity by providing a public plaza on the El Camino Real frontage, which wraps around to Trousdale Drive. The plaza is sized relative to the building and provides an opportunity for outside passive recreation, with new street trees, planters, and amenities while creating activity along the route to the nearby transit opportunities. The facade also has additional layering of the façade with extended slab edges to provide more depth on the corners, with an extended cantilevered slab at the second floor that is 8 feet beyond the face of the building to provide additional pedestrian coverage and a strong corner emphasis. The proposed building materials would include a stone base tile (dark almond porcelain), vision glass, spandrel glass, pre-cast concrete panels (white/almond/light gray), and glass hand rails. For the reasons above the project may be found to be compatible with the requirements of the City's mixed-use design review criteria.

**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 for Vehicle Stackers:** That the proposed project 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, in that the mixed of uses proposed is consistent with the intent and allowable uses in the NBMU District; that the proposed use will be located and conducted in a manner in accord with the Burlingame General Plan and the purposes of this title, in that it provides a mix of uses on a prominent corner property determined to be suitable for such use in the Zoning Code and Burlingame General Plan, that the site is close to transit options and centrally located to shops and service that won't require typical vehicular travel; that the project includes a TDM plan to reduce trips and that with the use of stackers and the TDM plan, the proposed 385 on-site parking spaces exceeds the code required amount (with the code amendment and 20% TDM reduction) and for the reasons above the project may be found to be compatible with the requirements of the City's three Conditional Use Permit criteria for the utilization of mechanical stackers.

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

**Suggested Findings for Mitigated Negative Declaration:** In accordance with CEQA Guidelines Section 15183, the environmental analysis in the Initial Study was conducted to determine if there were any project-specific effects that are peculiar to the project or its site. Based on the environmental analysis, it was determined that the proposed project would have no adverse environmental impacts on the environmental in the areas of aesthetics, agriculture and forestry services, energy,

hazards/hazardous materials, hydrology/water quality, land use/planning, mineral resources, population/housing, public services, recreation, utilities and service systems and wildfire. Although the environmental analysis did find that the project could have a significant effect in the areas of air quality, biological resources, cultural resources, geology/soils, greenhouse gas emissions, noise, transportation, and tribal cultural resources, therefore mitigation measures were identified to reduce adverse impacts to acceptable level. Therefore, based on the Initial Study there will be no significant environmental effects as a result of this project.

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

1. Mitigated Negative Declaration
2. Design Review
3. Conditional Use Permit
4. Approval of Tier 3 Project
  - a. Affordable Housing – Section 25.40.030(B)(4)(a)(i)
  - b. Public Plaza Beyond Minimum – Section 25.40.030(B)(4)(c)
  - c. Mode Split - Section 25.40.030(B)(4)(h)
5. Code Amendment for office parking reductions in the NBMU District (see separate staff report 8c-b)

Since the City Council is the final decision-making body regarding the request for zoning code change to the office parking ratio in the NBMU District, the Planning Commission's action should be in the form of a recommendation to the City Council, since the entire application is based on this code change and will be forwarded to the City Council for consideration.

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

1. that the project shall be built as shown on the plans submitted to the Planning Division date stamped August 10, 2020, sheets T.01, A0.01 through A4.1, sheets FT1.1 through FT1.4, sheets L1.0 through L4.0;
2. that prior to issuance of a building permit for construction of the project, the project construction plans shall be modified to include a cover sheet listing all conditions of approval adopted by the City Council; which shall remain a part of all sets of approved plans throughout the construction process. Compliance with all conditions of approval is required; the conditions of approval shall not be modified or changed without the approval of the Planning Commission, or City Council on appeal;
3. that any changes to the size or envelope of the building, which would include expanding the footprint or floor area of the structure, replacing or relocating windows or changing the roof height or pitch, shall be subject to Planning Commission review (FYI or amendment to be determined by Planning staff);

4. that the project shall include three (3) affordable units to households of "Low Income" category, as defined as earning a maximum of 80% of the San Mateo County Area Median Income; the City Manager shall be authorized to execute an agreement with the applicant and the applicant shall enter into an agreement for the administration of the renting or leasing of the affordable units at least 120 days before the final inspection;
5. that the required affordable dwelling units shall be constructed concurrently with market-rate units;
6. that the three (3) low income restricted affordable units shall remain restricted and affordable to the designated income group for a minimum period of fifty-five (55) years (or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program);
7. that the three (3) restricted affordable units shall be built on-site and be dispersed within the development. The number of bedrooms of the restricted affordable units shall be equivalent to the bedroom mix and average sizes of the non-restricted units in the development; except that the applicant may include a higher proportion of restricted affordable units with more bedrooms. The design and construction of the affordable dwelling units shall be consistent with the design, unit layout, and construction of the total project development in terms of appearance, exterior construction materials, and unit layout;
8. that the applicant shall enter into a regulatory agreement with the City; the terms of this agreement shall be approved as to form by the City Attorney's Office, and reviewed and revised as appropriate by the reviewing City official; this agreement will be a form provided by the City, and will include the following terms:
  - (a) The affordability of very low, lower, and moderate income housing shall be assured in a manner consistent with Government Code Section 65915(c)(1);
  - (b) An equity sharing agreement pursuant to Government Code Section 65915(c)(2);
  - (c) The location, dwelling unit sizes, rental cost, and number of bedrooms of the affordable units;
  - (d) A description of any bonuses and incentives, if any, provided by the City; and
  - (e) Any other terms as required to ensure implementation and compliance with this section, and the applicable sections of the density bonus law;
9. that the above noted regulatory agreement regarding the three (3) restricted affordable units shall be binding on all future owners and successors in interest; the agreement required by this Zoning Code Section 25.63.080 is hereby a condition of all development approvals and shall be fully executed and recorded prior to the issuance of any building or construction permit for the proposed project;
10. that prior to issuance of a building permit for the project, the project applicant shall pay the first half of the North Burlingame/Rollins Road Development Fee in the amount of \$75,159.50, made payable to the City of Burlingame and submitted to the Planning Division;
11. that prior to scheduling the final framing inspection, the project applicant shall pay the second half of the North Burlingame/Rollins Road Development Fee in the amount of \$75,159.50, made payable to the City of Burlingame and submitted to the Planning Division;
12. that prior to the issuance of the building permit the Commercial Linkage Fee in the amount of \$2,317,820.00 shall be paid in full, payable to the City of Burlingame and submitted to the Planning Division;
13. that the public plaza shall be owned, operated, and maintained by the developer or property manager in accordance with an approved maintenance plan to be reviewed and approved by the Community

Development Director;

14. that the public plaza shall be open to the public, without charge, each day of the year, except for temporary closures for necessary maintenance or public safety;
15. that the conditions of the Building Division's June 7, 2019 memo, the Stormwater Division's August 8, 2019 memo, the Park's Division's November 30, 2018 memo, Fire Division's August 16, 2019 memo and the Public-Works Engineering Division's August 1, 2019 memo related to the building permit submittal shall be met;
16. prior to issuance of a building permit, the project sponsor shall verify that the July 28, 2020, FAA determination of no hazard to air navigation for the project is still current and has not expired (1/28/22) and if expired a new FAA determination of no hazard to air navigation shall be submitted to the City of Burlingame prior to building permit issuance;
17. that prior to final approval (by City Council) the project will obtain approval from the Airport Land Use Committee (ALUC) of City and County Association of Governments (C/CAG) for a land use consistency determination under the Airport Land Use Compatibility Plan (ALUCP);
18. that all new development shall be required to comply with the real estate disclosure requirements of State law and General Plan as outlined in Policy IP-1 of the SFO ALUCP. The following statement must be included in the notice of intention to offer the property for sale or lease:

**“Notice of Airport in Vicinity**  
This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase or lease and determine whether they are acceptable to you.”;
19. that the property owner shall permit the relocation of City of Burlingame Police Department public safety communications equipment and a wireless access point for City communications to be placed on the roof of the new structure as indicated on the roof plans, sheet A1.10, as 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 prior to building permit issuance;
20. 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;
21. that storage of construction materials and equipment on the street or in the public right-of-way shall be prohibited;
22. 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;

23. that the project applicant and its construction contractor(s) shall develop a construction management plan for review and approval by the City of Burlingame. The plan must include at least the following items and requirements to reduce, to the maximum extent feasible, traffic and parking congestion during construction:
  - a. A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes;
  - b. Identification of haul routes for movement of construction vehicles that would minimize impacts on motor vehicular, bicycle and pedestrian traffic, circulation and safety, and specifically to minimize impacts to the greatest extent possible on streets in the project area;
  - c. Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures would occur;
  - d. Provisions for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the project applicant; and
  - e. Designation of a readily available contact person for construction activities who would be responsible for responding to any local complaints regarding traffic or parking. This coordinator would determine the cause of the complaint and, where necessary, would implement reasonable measures to correct the problem.
24. 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;
25. 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;
26. that this project shall comply with the state-mandated water conservation program, and a complete Irrigation Water Management and Conservation Plan together with complete landscape and irrigation plans shall be provided at the time of building permit application;
27. 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;
28. that this proposal shall comply with all the requirements of the Tree Protection and Reforestation Ordinance adopted by the City of Burlingame in 1993 and enforced by the Parks Department; complete landscape and irrigation plans shall be submitted at the time of building permit application and the street trees will be protected during construction as required by the City Arborist;
29. that project approvals shall be conditioned upon installation of an emergency generator to power the sump pump system; and the sump pump shall be redundant in all mechanical and electrical aspects (i.e., dual pumps, controls, level sensors, etc.). Emergency generators shall be housed so that they meet the City's noise requirement;
30. that prior to issuance of a building permit, the applicant shall prepare and submit to the Department of Public Works – Engineering Division a sanitary sewer analysis that assesses the impact of this project

to determine if the additional sewage flows can be accommodated by the existing sewer line. If the analysis results in a determination that the existing sewer line requires upgrading, the applicant shall perform the necessary upgrades as determined by the Engineering Division;

31. that a Protected Tree Removal Permit shall be required from the City of Burlingame Parks Division to remove any existing protected size trees on the subject property and that the project shall comply with the Tree Protection and Reforestation Ordinance adopted by the City of Burlingame and enforced by the Parks Department; complete landscape and irrigation plans shall be submitted at the time of building permit application and the street trees will be protected during construction as required by the City Arborist;
32. 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;
33. 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;
34. that the applicant shall comply with Ordinance 1503, the City of Burlingame Storm Water Management and Discharge Control Ordinance;
35. that the project shall meet all the requirements of the California Building and Uniform Fire Codes, as amended by the City of Burlingame;
36. that this project shall comply with Ordinance No. 1477, Exterior Illumination Ordinance;
37. that construction access routes shall be limited in order to prevent the tracking of dirt onto the public right-of-way, clean off-site paved areas and sidewalks using dry sweeping methods;

**The following five (5) 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 Division;
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***Air Quality*

42. *the applicant shall ensure that all off-road diesel-powered equipment used during construction is equipped with engines that meet EPA Tier 4 "final" emission standards;*
43. *Implement BAAQMD Basic Construction Mitigation Measures - The applicant shall require all construction contractors to implement the basic construction mitigation measures recommended by BAAQMD. The emissions reduction measures shall include, at a minimum, the following:*
- *All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times a day.*
  - *All haul trucks shall be covered when transporting soil, sand, or other loose material off-site.*
  - *All visible mud or dirt track-out material on adjacent public roads shall be removed using wet-power vacuum-type street sweepers at least once a day. The use of dry-power sweeping is prohibited.*
  - *All vehicle speeds shall be limited to 15 miles per hour on unpaved roads.*
  - *All roadways, driveways, and sidewalks that are to be paved shall be paved as soon as possible. Building pads shall be laid as soon as possible after grading, unless seeding or soil binders are used.*
  - *All construction equipment shall be maintained and properly tuned in accordance with manufacturers' specifications. All equipment shall be checked by a certified visible-emissions evaluator.*
  - *Idling times shall be minimized, either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure).*
  - *Publicly visible signs shall be posted with the telephone number and name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.*

*Biological Resources*

44. *Pre-construction Nesting Bird Surveys and Protection Measures: - The applicant shall implement the measures that follow prior to structure demolition and tree removal or trimming. Construction shall avoid the avian nesting period (March 15 through August 31) 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 feet 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 50 feet of a passerine nest and 250 feet of a raptor nest until the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts.*
45. *Implement Bird-safe Design Standards into Project Buildings and the Lighting Design: - The applicant, or contractor, shall implement the following measures to minimize hazards for birds:*
- *Reduce large areas of transparent or reflective glass*
  - *Locate water features, trees, and bird habitat away from building exteriors to reduce reflection*
  - *Reduce or eliminate the visibility of landscaped areas behind glass*
  - *Turn non-emergency lighting off at night, especially during bird migration season (February–May and August–November)*
  - *Include window coverings that adequately block light transmission from rooms where interior lighting is used at night and install motion sensors or controls to extinguish lights in unoccupied spaces*
  - *Design and/or install lighting fixtures that minimize light pollution, including light trespass, over-illumination, glare, light clutter, and skyglow, and use bird-friendly colors for lighting when possible. The*

*City of San Francisco's Standards for Bird-safe Buildings<sup>1</sup> provides an overview of building design and lighting guidelines to minimize bird/building collisions that could be used to guide the applicant;*

#### *Cultural Resources*

- 46. Pre-construction Archaeological Sensitivity Training: - A qualified archaeologist shall conduct a pre-construction archaeological sensitivity training session for the excavation crew. This training will include an overview of what cultural resources are and provide information regarding why such resources are important, archaeological terms (such as site, feature, deposit), Project site history, the types of cultural resources that are likely to be uncovered during excavation, the laws that protect cultural resources, and the protocol for unanticipated discoveries (see Mitigation Measure CUL-2). An "Alert Sheet" shall be posted in conspicuous locations on the Project site to alert personnel to the procedures and protocols to follow after discovery of potentially significant precontact archaeological resources;*
- 47. Unanticipated Discovery Protocol: - In the event that archaeological resources are encountered during construction, work shall be halted within 100 feet of the discovery and the area avoided until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations. If the find is determined to be potentially significant, the archaeologist, in consultation with the Native American representative, shall develop a treatment plan, which could include site avoidance, capping, or data recovery;*
- 48. Stop Work If Human Remains Are Encountered during Ground-disturbing Activities: If human remains are unearthed during construction, pursuant to Section 50977.98 of the Public Resources Code and Section 7050.5 of the State Health and Safety Code, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains. The county coroner shall be informed to evaluate the nature of the remains. If the remains are determined to be of Native American in origin, the lead agency shall work with the NAHC and the applicant to develop an agreement for treating or disposing of the human remains;*

#### *Geology, Soils, and Paleontological Resources*

- 49. Stop Work in Case of Discovery of Paleontological Resources: - Discovery of a paleontological specimen during any phase of the Project shall result in work stoppage in the vicinity of the find until it can be evaluated by a professional paleontologist. Should loss or damage be detected, additional protective measures or further action (e.g., resource removal), as determined by the professional paleontologist, shall be implemented to mitigate the impact prior to the continuation of work;*

#### *Noise*

- 50. Construction Noise Control Plan: - The applicant shall develop a set of site-specific noise attenuation measures. Prior to commencement of construction activities, the applicant shall submit the construction noise control plan to the City for review and approval. Noise attenuation measures shall be identified in the plan and implemented to reduce noise levels to the greatest extent feasible. Noise measures may include, but are not limited to, the following:*
  - Using smaller equipment with lower horsepower or reducing the hourly utilization rate of equipment on the site to reduce noise levels at 50 feet to the allowable level.*
  - Locating construction equipment as far as feasible from noise-sensitive uses.*
  - Requiring that all construction equipment powered by gasoline or diesel engines have sound control devices that are at least as effective as those originally provided by the manufacturer and that all equipment be operated and maintained to minimize noise generation.*

- Prohibiting gasoline or diesel engines from having unmuffled exhaust systems.
  - Not idling inactive construction equipment for prolonged periods (i.e., more than 5 minutes).
  - Constructing a solid plywood barrier around the construction site and adjacent to operational businesses, residences, or other noise-sensitive land uses.
  - Using temporary noise control blanket barriers.
  - Monitoring the effectiveness of noise attenuation measures by taking noise measurements.
  - Using “quiet” gasoline-powered compressors or electrically powered compressors and electric rather than gasoline- or diesel-powered forklifts for small lifting;
51. *Provide Acoustical Treatments for Mechanical Equipment.* - The applicant shall provide acoustical treatments for the proposed emergency generator to reduce noise levels to below the 60 dBA  $L_{eq}$  daytime threshold for mechanical equipment, as determined by a qualified acoustical consultant. In addition, the applicant shall provide acoustical treatments for the proposed HVAC equipment to reduce noise levels to below the nighttime noise limit of 50 dBA  $L_{eq}$  at the property line, as also determined by a qualified acoustical consultant. Selected acoustical treatments must ensure that noise levels will be below the 60 dBA daytime and 50 dBA nighttime thresholds, as applicable, in accordance with the noise limitations specified in the Municipal Code. Treatments may include, but are not limited to:
- Installing stationary equipment as far as possible from off-site noise-sensitive land uses and the property line to reduce noise levels at adjacent parcels,
  - Constructing enclosures around noise-generating mechanical equipment,
  - Placing barriers around the equipment,
  - Using mufflers or silencers on equipment exhaust fans,
  - Orienting or shielding equipment to protect sensitive uses to the greatest extent feasible,
  - Limiting the testing of emergency generators to daytime hours (7:00 a.m. to 10:00 p.m.);

#### Transportation

52. *Traffic Control Plan:* - Prior to issuance of grading and building permits, the applicant shall submit a Traffic Control Plan to the City. The requirements of the Traffic Control Plan include, but are not limited to, the following: Truck drivers shall be notified of and required to use the most direct route between the site and U.S. 101, as determined by the City Engineering Department; all site ingress and egress shall occur only at the main driveways to the Project site; specifically designated travel routes for large vehicles shall be monitored and controlled by flaggers; warning signs, indicating frequent truck entry and exit points, shall be posted on adjacent roadways, if requested; and any debris or mud on nearby streets caused by trucks shall be monitored daily, which may require instituting a street cleaning program.

Catherine Keylon  
Senior Planner

- c. Certosa, Inc. c/o Mario Muzzi, applicant and property owner  
Smith Group, William J. Higgins , FAIA

Attachments:

**Meeting History**

- Applicant's Response Letter, dated August 14, 2020
- October 28, 2019 Planning Commission Minutes
- September 23, 2019 Planning Commission Minutes
- Applicant's Response Letter, dated October 21, 2019

**Public Comment letters**

- Jennifer Pfaff
- Larisa Vaserman

**Application Materials**

- Application to the Planning Commission
- Letter of Explanation - Project Description, dated August 1, 2019
- NBMU Project Summary Checklist
- Conditional Use Permit Application for Mechanical Stackers – C.S. 25.40.050(D)
- Miller, Starr, Regalia letter regarding CEQA process, dated October 23, 2019
- Environmental Informational Form
- Hexagon Transportation Consultants, TDM Measures, dated June 18, 2019

**Miscellaneous**

- San Mateo County Income Limits 2020
- Proposed Resolutions
- Notice of Public Hearing – Mailed August 14, 2020
- Area Map

Separate Attachments:

Initial Study/Mitigated Negative Declaration, prepared by ICF, dated July 2020  
Response to Comments Memorandum, prepared by ICF, dated August, 2020