

City of Burlingame

*Design Review, Density Bonus, Community Benefits, and Lot Merger for a new
7-story, 169-Unit Residential Apartment Development*

Address: 1870-1876 El Camino Real

Meeting Date: October 26, 2020

Request: Application for Design Review, Density Bonus, Community Benefits, and Lot Merger for a new 7-story, 169-unit residential apartment development.

Applicant and Property Owner: Bay Area Oil Supply Inc. & Prime Plaza LLC

Architect: Studio T-Square Inc.

APN: 025-150-160 & 025-150-190

Lot Area: 1.14 acres (49,964 SF)

General Plan: North Burlingame Mixed Use

Zoning: NBMU (North Burlingame Mixed-Use)

Adjacent Development: Vacant Parcel (former car wash), Office Buildings, Retail Uses

Current Use: Gasoline Station with Smog Check Service/Two-Story Office Building

Proposed Use: Multifamily Residential - Apartments

Allowable Use: Multifamily Residential is permitted

Environmental Review: Please refer to page 11 in the staff report.

General Plan and North Burlingame Mixed Use (NBMU) Zone 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.

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.

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. This interim zoning was reviewed for formal adoption, to make the interim zoning permanent, with some minor changes reflecting the Airport Land Use Commission (ALUC) and City/County Association of Governments (C/CAG) approval, by the Planning Commission on October 13, 2020 and recommended for approval by City Council, which will be reviewing these zoning sections for permanent adoption at their November 2, 2020 and November 16, 2020 meetings.

Project Summary: The project site is composed of two parcels totaling 1.14 acres located on the southeast corner of El Camino Real and Murchison Drive and is adjacent to a frontage road that parallels El Camino Real. The corner parcel is currently occupied by a gasoline station and the interior parcel, which is a through lot to California Drive, contains a two-story office building. The Millbrae Caltrain station is located across the street, just 0.12 miles east of the project site; the BART station (Millbrae multimodal station) is located just beyond the Caltrain station, about 0.24 miles northeast of the project site. The property has a gentle slope from front to the rear with an approximately 8-foot difference in elevation from the El Camino Real frontage road to California Drive.

The project site is located within the North Burlingame Mixed District (NBMU). The NBMU 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” standards, which is the highest tier and is requesting a density bonus. The proposed project would have a density of 147 dwelling units per acre, where 140 units per acres (160 units) is the maximum allowed. Seventeen units (10%) would be below market rate (BMR) for moderate income households that do not exceed 120% of the average median income (AMI). The application includes a request for a density bonus and based on the Density Bonus Ordinance C.S. 25.63.020(b), nine (9) additional units are permitted for a total of 169 units.

The applicant is proposing to demolish the existing gasoline station and office building, merge the two parcels and construct a new 7-story, 169-unit residential apartment building. The project would have 52 one-bedroom units (31%) and 117 two-bedroom units (69%). The building would total 294,506 gross square feet. Seventeen units (10%) would be below market rate (BMR) for moderate income households that do not exceed 120% of the average median income (AMI). The one-bedroom units would range from 642 to 767 square feet, and the two-bedroom units would range from 1,053 square feet to 1,139 square feet.

The overall height would be approximately 85 feet to the top of the parapet and 94 feet to the top of the elevator and stair penthouse, as measured from the lowest average top of curb along California Drive. The project would provide a total of 182 on-site parking spaces located in two levels of parking. Given the slope from El Camino Real to California Drive, the first level of parking is at grade along California Drive. All of the parking spaces provided would be independently accessible and are code compliant. Because of the slope, a swimming pool is proposed on the podium level above the first level of parking. The ground floor would include a leasing office, fitness center, club room and pool changing room. In addition, flexible work space for remote work space, along with a conference room and a yoga room would be provided on the second floor.

The following applications are requested for this project:

- Design Review for construction of a new 7-story, 169-unit residential apartment development (C.S. 25.40.020);
- Density Bonus to allow nine additional units over the density permitted for Tier 3 developments (C.S. 26.63.020 (a)(1));
- Density Bonus to allow a development concession to facilitate the provision of affordable housing; request for concession is to allow a 3'-0" side setback along the interior north side for the podium projecting above grade (10'-0" minimum side setback required (C.S. 25.63.050);
- Community Benefits for Tier 3 projects. The Planning Commission may approve Tier 3 projects if it determines that a project includes at least three community benefits. (C.S. 25.40.030(B)(3); and
- Recommendation of Lot Merger to combine Lots 6 & 17 (1870 El Camino Real) and Westerly 123.78 feet of Lot 1 (1876 El Camino Real), Block 1, Mills Estate No. 1.

Design Review Study Meeting: This project was reviewed by the Planning Commission for Environmental Scoping and Design Review Study on March 9, 2020 (March 9, 2020 Planning Commission Minutes attached). There were no public comments received at the study session or letters received before or after this hearing.

On balance the Planning Commission was pleased with the proposed project and overall design. The Planning Commission provided comments related to the items to be studied as part of the environmental review. However, the majority of the discussion centered on the design of the proposed project. The project architect provided a detailed response to the Commission’s comments and suggestions in the attached response letter, dated October 9, 2020. Staff has provided an overview of the Planning Commission comments below, with a

summary of the applicant's response in italics below each comment. The revised plans, date stamped October 9, 2020 reflect the revisions detailed below:

- Would like to see a noise study. Previous projects have justified vinyl windows through noise. Parking and traffic would be helpful as well.

As part of the CEQA Environmental Checklist that was prepared for the 15183 Statutory Exemption, a noise and vibration study was prepared. This document is found in Appendix E of the Checklist. The study notes that there would be no pile driving as part of the construction of this project. The project sponsor, and its construction contractors, would implement the project-specific conditions of approval described in Section 3.13 as required by Mitigation Measure 15-1 in the General Plan (GP) EIR to reduce noise impacts from construction activities. With the implementation of the project-specific conditions of approval, adherence to General Plan policy CS-4.10 and Mitigation Measure 15-1, the proposed project would be consistent with the impact conclusions disclosed in the GP EIR and impacts would be less than significant.

Appendix F includes a Transportation Impact Analysis. Credit was provided for existing trips and it was estimated that the proposed project would generate 107 net new daily trips, with 12 net new AM peak hour trips and 5 net fewer PM peak hour trips. The project is expected to have less-than-significant impact on vehicle miles traveled.

- Would like to see an enlarged plaza/entry plan to better understand how plaza will be enlivened. Consider bulb outs and push out planting and plaza.

The applicant prepared schematic drawings that included a bulb out at Murchison Drive and the frontage road. This plan was reviewed by Public Works staff and it was discovered that there is a water main underneath the curbsides of Murchison Drive and the frontage road that prohibits the reconfiguration of the curb line; therefore it was concluded that this was not a viable design option. However, in consideration of the Planning Commission's comments, the building footprint was set back further along the El Camino Real side and at the corner of Murchison Drive which added an additional 79 SF to the plaza space. Furthermore, a tree has been added along the curb line of Murchison Drive to add foliage along the north side of the building, and an additional tree has been added to the plaza in the central planter to add color and interest to the public realm. Also, additional pots have been added to emphasize and add foliage to the front entrance; please reference these changes on sheets L1, L2, L7, and L8.

- Would be helpful to see a detailed plan of the roof deck so we can see how that's going to be a nice lively space.

The plans have been revised with the addition of a second roof deck measuring 680 SF, shown on Sheet A 2.7. A detailed roof deck plan has been provided on Sheet L9 on the California Drive side that shows both roof decks. The roof decks total 1,412 square feet that will create outdoor space and activity opportunities for the residents; a second roof deck has been added at the California Drive side to the current design. The roof decks are accessible for all residents of the project, but not by the outside public.

- Could have a flexible clubroom that could be divided into smaller conference spaces.

The leasing office, clubroom and fitness center located on the ground floor originally had open ceilings to the second floor. In response to the Planning Commission's comment and with the increase trend of remote working (from home) in addition to being an incentive for trip reduction, flexible work spaces and conference facilities have been added on the second level over the leasing and club room areas with convenient elevator and stair access. These spaces total 1,426 square feet in area. In addition, a 285

square-foot yoga room was added above the fitness center. These spaces are designed to have operable windows for natural light and air ventilation (refer to Sheet A2.4).

- Worried about the shadowing on the pool. Pool might be too cold in that area with gusty winds.

After considering options to reduce the size of the pool in various configurations, the pool has been left in its original position so that its 19-foot by 42-foot dimensions could be maintained. Because of the load and structural issues, the pool location needs to be arranged over the proper structure location. The lounging area, outdoor BBQ and other social amenities remain in the sunniest area of the podium (refer to Sheets L1 and L3).

- Does not believe it will impact the view from homes in the hills. Suggests preparing something to show that.

As detailed in the CEQA checklist, due to the topography of the City of Burlingame, properties in hillside areas have scenic views of both the City of San Francisco and San Francisco Bay, with the skylines of East Bay cities visible on clear days. Even with seven floors proposed, given the topography, the proposed building would not impede distant views from hillside properties. The project site is located in a developed, urbanized area and no scenic resources or vistas are located within the vicinity of the proposed project. Senate Bill (SB) 743 (signed in September 2013) made several changes to the CEQA requirements for projects located in areas served by transit (i.e., TOD - transit-oriented development). SB 743 eliminated the need to evaluate aesthetic and parking impacts of a project if it is located on an infill site within a transit priority area. The proposed project is located on an infill site and is within one-half mile of a major transit stop, and therefore meets these requirements described in SB 743. Though an analysis of aesthetics impacts is not required for the proposed project, the attached CEQA check list includes an analysis for informational purposes and to further demonstrate consistency with the GP EIR.

The following table provides a summary of the project’s compliance with the NBMU Zone Standards. For more information and details on development requirements, please refer to the attached NBMU Zone Standards.

1870 – 1876 El Camino Real

Lot Area: 1.14 acres (49,964 SF)

Plans date stamped: October 9, 2020

	Proposed	Tier 3 Projects Maximum Allowed/ Minimum Required
Density – Residential Units:	147 du/ac ^{1 & 2} 169 units	140 du/ac 160 units
Building Height:	7 stories 85'-0" to top of parapet 94'-0" to top of penthouse	9 stories 100'-0"
Front (El Camino Real):	1'-0" to property line 15' to edge of curb	0'-0" to 10'-0" for first 35'-0"
Side – Interior (South side):	10'-0"	10'-0"
Side – Interior (North side):	3'-0" to podium ³ 10'-0"	10'-0"

	Proposed	Tier 3 Projects Maximum Allowed/ Minimum Required
Side – Street (Murchison Dr):	6'-0" to property line 15'-0" to edge of curb'	0' to 10' at least 60% of the structure located at the streetscape frontage line per Table 25.40-3
Side – Street (California Dr):	2'-0" to property line 15'-0" to edge of curb	0' to 10' at least 60% of the structure located at the streetscape frontage line per Table 25.40-3
Lot Coverage:	64.2% ⁴ 32,090 SF	80% 39,971 SF
Open Space and Landscaping:	<u>PRIVATE</u> 8,507 SF private open space <u>COMMON</u> 6,588 SF (podium) 1,426 SF (roof decks) 2,100 SF (plaza) 10,114 SF Total Common open space <u>TOTAL</u> 10,114 SF (common) 8,507 SF (private) 18,621 SF / 169 units = 110 SF/unit	100 SF per unit Minimum dimensions of open space: - Private: 5 ft. deep, 8 ft. wide - Common: 15 ft. in any direction may be private, common or both
Landscape Coverage:	7,284 SF landscaping (14.6%)	10% (4,997 SF) of the entire site
Public Plaza:	2,100 SF	2,000 SF
Number of Parking Spaces:	<u>B1 Level</u> 18 EV 4 ADA <u>65 Uninstall</u> 87 spaces <u>B2 Level</u> 95 Uninstall 182 spaces provided ⁵ (10% EV - 18 spaces)	52 1-bdrm units x 1.0 = 52 sp 117 2-bdrm units x 1.5 = 175.5 sp <u>Total - 227.5 spaces</u> - 20% 45.5 spaces <u>182 spaces w/TDM</u> TOTAL 228 SPACES REQUIRED/ 182 SPACES WITH TDM REDUCTION
Parking Stall Dimensions:	8'-6" x 17'-0" 8'-6" x 18'-0" 9'-0" x 18'-0"	8'-6" x 17'-0"
Aisle Dimensions:	24'-0"	24'-0" for 90-degree parking

	Proposed	Tier 3 Projects Maximum Allowed/ Minimum Required
Stacked/Mechanical Parking:	N/A	CUP required
Bicycle Parking:	85 resident 9 guest	85 resident (0.5 spaces/unit) 9 guest (0.05 spaces/unit)
Electric Vehicle Charging Stalls:	18 spaces (10% of all spaces)	9 spaces (5% of all spaces)
Driveway Width:	24' on California Dr.	Parking areas with more than 30 vehicle spaces shall have two 12'-0" wide driveways or one 18'-0" wide driveway

- ¹ Tier 3 project requested (C.S. 25.40.030(B)(3))
- ² Density Bonus requested (169 units = 147 du/ac proposed with density bonus; 160 units = 140 du/ac allowed) (C.S. 25.63.020).
- ³ Concession for Development Standard under Density Bonus for Side Setback - Exercising C.S. 25.63.050: request for interior, north side setback encroachment - 3' setback of podium (garage portion that projects above grade) where 10' is required.
- ⁴ NBMU zoning allows the podium level above garage to not be included in lot coverage because it utilized as landscaped open space.
- ⁵ C.S. 25.40.050(g) allows 20% reduction in parking with TDM that includes a mode shift of 25% or greater.

Staff Comments: The applicant has requested and received approval of an Alternate Means of Protection (AMP) from Central County Fire Department; this approval is attached.

Design Review: Design Review is required for all new development and is subject to the design standards and objective design criteria pursuant to Code Section 25.40.040. 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.

Materials proposed for the exterior of the building include a mix of plaster, cement board siding, porcelain tile cladding, metal and plaster trim accents, metal awnings, and vinyl windows. Balconies would consist of glass and metal railings. The proposed materials are presented on sheet A3.6. To better help visualize the proposed project, perspectives of the proposed project are provided on sheets A3.0 through A3.5.

Landscaping: Proposed landscaping throughout the site is shown on the Landscape Plans (sheets L1 through L12). The NBMU standards require that for Tier 3 projects that 10% of the site be landscaped. In addition, the NBMU 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 14.6% site landscaping with 69% landscaping in the front setback (Murchison Drive), 60% landscaping along the California Drive setback, and 93% landscaping within the El Camino Real setback. Therefore, the project complies with the landscaping requirements.

The proposed project includes a total of thirteen (13) trees along the El Camino Real frontage road and along Murchison Drive, including avocado trees, glossy privet trees and carrot wood trees. In addition, the planters in the public plaza along the frontage road would also include trees and shrubs, as detailed in the landscape plans.

Density Bonus, Below Market Rate (BMR) Units: 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. C.S. 25.63.40 allows development concessions and incentives where affordable units are offered, with more incentives offered when lower income and a higher percentage of BMR units are provided. The application includes a request to utilize the density bonus ordinance, consistent with the provisions set forth in Government Code Sections 65915 through 65919, which is the state density bonus law. The project includes 10% of the total units (17) as moderate-income units. In San Mateo County the "Moderate Income" category is defined as households earning between 81%-120% of the San Mateo County Area Median Income (AMI), which in 2020 corresponded to up to \$146,160 for a single-person household or \$208,800 for a family of four. The density bonus ordinance also allows the following:

- **By Right Parking Incentive:** The by right parking incentive under the density bonus ordinance is not exercised in this case because the NBMU parking standards are less than the by right parking incentive under the Density Bonus Ordinance. In addition, under the NBMU zoning when a project includes Transportation Demand Management (TDM) Plan a project may be allowed up to a twenty (20) percent reduction in required off-street vehicle parking (not including bicycle parking and EV stalls), provided the project provides for a permanent mobility mode shift towards alternative transportation of twenty-five (25) percent or greater for building occupants through the TDM program. The proposed project requires 228 on-site spaces, however with the proposed TDM plan the parking requirement is reduced to 182 on-site spaces (182 spaces provided).
- **Concession for Development Standard – Interior Side Setback:** The proposal includes 10% of the units to be offered as BMR units for moderate income levels and therefore State law (C.S. 25.63.050) provides the opportunity for an applicant to also apply for a waiver or modification of development standards that will have the effect of physically precluding the construction of a development at the densities or with the concessions or incentives permitted by this chapter. The developer must demonstrate that development standards that are requested to be waived or modified will have the effect of physically precluding the construction of a development meeting the criteria of subsection (a) of Section 25.63.020 at the densities or with the concessions or incentives permitted by this chapter. The waiver requested for this project is for the interior (north) side setback of 3'-0" where 10'-0" is required. Given the slope on the lot, there is a portion of the podium over the garage that would project above adjacent grade and would therefore intrude into the required interior side setback by 7'-0".

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 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 developer has elected to develop this property consistent with Tier 3 development standards. The 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 developer 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 10% (17 units) below-market rate units for affordable moderate income households (120% of San Mateo County’s Area Median Income (AMI)) for 55 years. The 2020 San Mateo County Income Limits for moderate income is a maximum income of up to \$146,160 for a single-person household or \$208,800 for a family of four (see attached San Mateo County 2020 income limits).
- Public Plaza – Section 25.40.030(B)(4)(c) - The project includes an approximately 2,100 square-foot publicly accessible plaza, in excess of the 2,000 square-foot minimum. The public plaza would include trees, landscaping, seat walls and planters, trash and recycling receptacles, lighting, and bike racks. The space would be owned, operated and maintained by the developer or property manager.
- Mode Split - Section 25.40.030(B)(4)(h) – The project includes a TDM plan which is designed to reduce single occupancy trips with strategies and measures to reduce vehicle trips generated by at least 25% during peak AM and PM hours. Given the site location near the Millbrae Caltrain Station and BART station, the TDM plan offers bicycle parking for residents and guests, carpool incentives, EV parking, transit pass reimbursement credits, unbundled parking and on-site amenities including conference room work areas for on-site work space, as well as a TDM program coordinator.

Off-Street Parking: Parking requirements are based on the number of bedrooms proposed per unit for the residential portion of the project. The NBMU zoning standards, Code 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 and 1.5 spaces for each two-bedroom unit; no guest parking is required. The proposed project includes 52 one-bedroom units and 117 two-bedroom units and therefore requires a total of 228 spaces. With a 20% reduction for the TDM, the total is reduced to 182 spaces required for the proposed apartments.

The project would meet the on-site parking requirement with a total of 182 on-site parking spaces provided. The site would be accessed by way of a 24-foot wide driveway along California Drive. The parking would be located in two levels within the building. Due to the slope of the lot, the entrance to the parking would be at grade along California Drive and a portion of the upper parking level would project above grade; with both parking levels below grade along the El Camino Real side.

The majority of the parking spaces would be 8’-6” wide by 17’-0” deep as permitted by C.S. 25.40.050 (b) (8’-6” x 17’-0” allowed), with some spaces measuring 8’-6” x 18’-0” and 9’-0” x 18’-0”. All of the parking spaces are independently accessible, in compliance with the code. These would include 160 independently accessible spaces uninstalled spaces, 18 electric vehicle (EV) spaces plus 4 disabled-accessible spaces. The interim standards require that 5% (9 spaces) of all parking spaces be prepared for EV charging equipment; the proposed project exceeds this requirement with 18 EV spaces (10%).

The NBMU standards require 0.5 bicycle parking spaces per unit for residents and 0.05 spaces per unit of bicycle parking for guest bicycle, which equates to 85 bicycle parking spaces for residents and 9 bicycle parking spaces for guests. There would be 85 bicycle parking spaces provided for residents in the upper parking level and 9 guest bicycle parking spaces provided in the public plaza.

A loading zone area for deliveries as well as car sharing drop-off and pick-up is provided at the rear of the property along California Drive. There is no guest parking required on-site for apartment buildings.

Transportation Demand Management Plan (TDM): TDM measures are proposed to be implemented as a part of the project to reduce the number of single-occupant vehicle trips generated by the project and for compliance with Section 25.40.030(b)(4)(H), which allows a twenty (20) percent reduction in required parking with implementation of a TDM plans with a 25% mode split. A TDM plan has been prepared for the project and includes design features, programs, and services that promote sustainable modes of transportation. Proposed TDM measures are described in greater detail in the TDM plan, dated September 16, 2019, prepared by TDM Specialist Inc. (attached), but in summary they include the following:

- Within walking distance (0.20 mile) to SamTrans Routes 397 and ECR;
- Within walking (0.30 mile) distance of Millbrae BART/Caltrain Station;
- Within walking distance (0.40 mile) to SamTrans Routes 46;
- Secure bicycle parking (Class I) and guest bicycle parking spaces (Class II);
- Bike fixit repair station on-site;
- Bicycle pathways and wayfinding signage throughout the project;
- Burlingame Bikeshare program (conceptual) Carpool/Car Share Measures;
- Support City parking space for a nearby car-sharing vehicle;
- Commuter apps and online resources for carpool matching;
- Ride matching events;
- \$100 Carpool incentive via Commute.org;
- 18 Electric vehicle charging stations;
- Transportation and commuter kiosk at the clubhouse;
- Business center and conference room for remote work resources;
- On-site and nearby amenities (fitness center, swimming pool, club room, public plaza area, restaurants, convenience shopping, grocery);
- Transit pass reimbursement credits for residents;
- Early rental campaign to nearby offices/employment sites;
- Prime Plaza Transportation Coordinator – TDM program manager;
- New resident transportation information flyer;
- Periodic transportation/commuter events or promotions (e.g., Bike to Work Day or Spare the Air days); and
- Annual resident commuter survey.

Evaluating the performance and success of the TDM plans is essential to ensure TDM measures are implemented and effective. Therefore, the applicant has a detailed monitoring and reporting plan as part of the TDM plan that includes an annual survey of their residents and preparation of an annual report. The proposed implementation and reporting plan would consist of an electronic survey. The survey would be distributed to the residents and collected by the property management representative and/or transportation coordinator to provide quantitative data regarding the mode split and qualitative data, including the resident's perception of the alternative transportation programs. The TDM plan notes that to encourage participation in the annual survey they would have raffle prizes and other incentives to promote the survey and generate responses.

The TDM reporting would be submitted to the City of Burlingame annually. The initial, or baseline, commute survey report would be conducted and submitted one (1) year after the granting of a certificate of occupancy for 75 percent or more of the project and annually after that. The report would be prepared by a qualified, independent consultant and paid for by the owner. The report would provide information about the level of alternative mode-uses and in the event a 25 percent reduction in peak-hour vehicle trips and reduction in overall parking demand is not met, the report would explain how and why the goal has not been reached. It would also include and identify a work plan, in conjunction with the City, which describes additional or alternative measures for implementation that would be necessary to enhance the TDM program to attain the TDM goal of 25 percent mode split.

Conditions of approval have been added which require that the TDM plan be implemented as part of the project as detailed above and in the applicant's TDM plan. The conditions of approval include a requirement that prior to the issuance of a building permit, a covenant agreement is to be recorded office with the San Mateo County Assessor and Recorder's Office to provide constructive notice to all future owners of the property of any ongoing programmatic requirements that discloses the required Transportation Demand Management (TDM) provisions.

Development / Impact Fees:

North Burlingame/ Rollins Road Development Fee

Development fees for projects in the North Burlingame/Rollins Road Specific Plan are subject to a fee of \$0.63 per square foot for multifamily. 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. The North Burlingame/Rollins Road Development fee is estimated to be \$177,010.70 (including credit offset).

Residential Linkage Fees – Not Applicable

The City Council adopted Residential Linkage 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. However, because the project would include 10% of the units as moderate 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 affordable 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 10% of the residential units as moderate 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 Linkage Fee as seventeen (10%) low income BMR units would be provided on-site.

Public Facilities Impact Fees

The purpose of public facilities impact fees is to provide funding for necessary maintenance and improvements created by development projects. Public facilities impact fees are based on the uses, the number of dwelling units, and the amount of square footage to be located on the property after completion of the development project. New development that, through demolition or conversion, will eliminate existing development is entitled to a fee credit offset if the existing development is a lawful use under this title, including a nonconforming use.

Based on the proposed 169-unit apartment development, the required public facilities impact fees for this development project are estimated to be \$709,258.30. This includes a credit for the existing office (commercial) use and automotive use currently on-site.

Environmental Review: California Environmental Quality Act (CEQA) Guidelines, Section 15183, allows a streamlined environmental review process for projects that are consistent with the densities established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified. Section 15183(d) is intended to streamline review for development projects that are consistent with a specific plan that were previously analyzed as part of development and review of such plans; this exemption applies under the following conditions:

1. The project is consistent with:
 - a. A community plan adopted as part of the general plan,
 - b. A zoning action which zoned or designated the parcel on which the project would be located to accommodate a particular density of development, or
 - c. A general plan of a local agency, and
2. An EIR was certified by the lead agency for the zoning action, the community plan, or the general plan.

Use of the 15183 streamlined review applies only to the extent that all feasible mitigation measures for a significant effect specified in the EIR are or will be undertaken by the public agency having jurisdiction to implement such mitigation measures (CEQA Guidelines, §15183(e)(1),(2)). As required by CEQA, the City prepared a Final EIR which analyzed the environmental impacts of the City of Burlingame 2040 General Plan Update. On January 7, 2019, the City Council adopted Resolution No. 005-2019 certifying the GP EIR as meeting the requirements of CEQA and Resolution No. 006-2019 adopting the City of Burlingame General Plan Update.

In evaluating whether a project is exempt from further environmental review based on consistency with the City of Burlingame General Plan and the GP EIR, CEQA Guidelines section 15183(b) specifies that examination of environmental effects shall be limited to those effects that:

1. Are peculiar to the project or the parcel on which the project would be located,
2. Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent,
3. Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or
4. Are previously identified significant effects which, as a result of substantial new information that was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

Accordingly, the Section 15183 exemption applies to the proposed project at 1870-1876 El Camino Real because the proposed project is consistent with the City of Burlingame General Plan, the GP EIR was certified for the City of Burlingame General Plan, and all feasible mitigation measures identified in the GP EIR as being applicable to the proposed project will be implemented, as discussed in the attached Exemption Checklist, to a less-than-significant level. Therefore, because the project meets the criteria of Section 15183, and because it would not have a significant effect on the environment, this analysis finds that a Notice of Exemption may be prepared for the Project and no further environmental review is needed.

Airport Land Use Commission (ALUC) and C/CAG Review: Staff notes that the Airport Land Use Committee (ALUC), which is managed by City/County Association of Governments (C/CAG) in San Mateo County, reviewed and recommended approval of the North Burlingame Mixed Use zoning (along with the Rollins Road Mixed Use zoning) to C/CAG at their September 24, 2020 meeting. The C/CAG Board, in its function as the Airport Land Use Commission, reviewed and approved both zoning code sections for land use consistency with the Comprehensive Airport Land Use Compatibility Plan (ALUCP) at their October 15, 2020 meeting. The newly adopted zoning now implements the former interim zoning for these districts with added conditions related to noise regulations and assembly uses to ensure compliance with the Noise Compatibility Polices of the SFO ALUCP. The subject property is located within Comprehensive Airport Land Use Safety Compatibility Zone 2 (see attached map).

Staff has included specific conditions related to housing in the flight path of SFO that are typical conditions placed upon projects by the ALUC and C/CAG. Please note that on August 23, 2019, 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 an attachment. This FAA approval includes an expiration date of February 23, 2021, 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.

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

- That the proposed project supports the pattern of diverse architectural styles that characterize the City's mixed-use area with the use of a variety of materials to express a timeless aesthetic on this gateway property that serves as the transition site between the southern edge of the City of Millbrae and the City of Burlingame's northern most border. The building massing includes a central tower that serves as a defining element to welcome and draw people into the plaza. The façades are broken into various heights and steps to provide visual relief and interest, particularly at the corner where the frontage road meets Murchison Drive. The exterior finishes including metal roof canopies, aluminum storefront windows, cement board siding, plaster finishes and glass and metal railings at the balconies provide articulation that is not too busy, but provides a calm presence;
- That the design respects and promotes pedestrian activity by providing a public plaza to enliven the El Camino Real frontage, which wraps around to Murchison 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.
- That on this visually prominent, gateway site the building has been designed with roof decks at El Camino Real and California Drive and will provide a prominent foundation to anchor this site, acknowledging an entry to the City with an urban design that compliments both the new and old architectural fabric in the surrounding area;
- That the building is compatible with the mass, bulk, scale, and existing materials of existing development in that the exterior building materials include metal roof canopies, aluminum storefront windows, cement board siding, and plaster finishes; and
- That site features such as fencing, landscaping, and pedestrian circulation to be provided in a public plaza will enrich the existing opportunities of the neighborhood.

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

1. Design Review, Density Bonus and Community Benefits.
2. Lot Merger (recommendation for approval by City Council).

At the public hearing the following conditions should be considered:

1. that the project shall be built as shown on the plans submitted to the Planning Division date stamped October 9, 2020, sheets A1.0 through A5.4, sheets T0.1 through TM5.1, sheets P.1 and sheets L1 through L12;
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 seventeen (17) affordable units to households of "Moderate Income" category, as defined as earning a maximum of 120% 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 seventeen (17) moderate 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 seventeen (17) 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 seventeen (17) 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 the project shall include the Transportation Demand Management Measures as proposed in the Transportation Impact Analysis, prepared by TDM Specialist Inc., dated September 16, 2019;
 11. that a TDM annual report shall be prepared by a qualified, independent consultant and paid for by the owner and submitted to the City of Burlingame annually; with the initial, or baseline, commute survey report to be conducted and submitted one (1) year after the granting of a certificate of occupancy for 75 percent or more of the project and annually after that;
 12. that the TDM annual report shall provide information about the level of alternative mode-uses and in the event a 25 percent reduction in peak-hour vehicle trips and reduction in overall parking demand is not met, the report shall explain how and why the goal has not been reached; in such a circumstance the annual report shall identify a work plan, to be approved by the City of Burlingame, which describes additional or alternative measures for implementation that would be necessary to enhance the TDM program to attain the TDM goal of 25 percent mode split;
 13. that the City may consider whether the employer/tenant has made a good faith effort to meet the TDM goals and may allow the owner a six-month "grace period" to implement additional TDM measures to achieve the 25 percent vehicle trip reduction;
 14. that prior to the issuance of building permits, a covenant agreement shall be recorded office with the San Mateo County Assessor and Recorder's Office to provide constructive notice to all future owners of the property of any ongoing programmatic requirements that discloses the required Transportation Demand Management (TDM) provisions and any conditions of approval related herein to compliance and reporting for the TDM;
 15. that the applicant shall prepare, and submit, a Construction Risk Management Plan to the San Mateo County Environmental Health's Groundwater Protection Program (GPP) for approval, prior to the issuance of a building permit. The Construction Risk Management Plan shall address the possibility of encountering subsurface contaminants, including groundwater, during construction activities, and the relevant measures for identifying, handling, and disposing of subsurface contaminants. The Construction Risk Management Plan shall be submitted and approved by the San Mateo County Environmental Health Department's Groundwater Protection Program prior to issuance of a building permit;
 16. that the contractor shall ensure the appropriate handling, storing, and sampling of any soil to be removed from the subject property, as per the Construction Risk Management Plan so as to eliminate potential health and safety risks to the public, including construction workers;
 17. that in the event that groundwater, or other subsurface contaminants, are encountered during excavation, grading, or any other demolition/construction activities at the project site, the contractor shall ensure that the procedure for evaluating, handling, storing, testing, and disposing of contaminated groundwater is implemented, as per the Construction Risk Management Plan;

18. that workers handling demolition and renovation activities at the project site will be trained in the safe handling and disposal of any containments with which they are handling or disposing of on the project site;
19. 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 \$88,505.35, made payable to the City of Burlingame and submitted to the Planning Division;
20. 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 \$88,505.35, made payable to the City of Burlingame and submitted to the Planning Division;
21. that prior to final inspection or the date the certificate of occupancy is issued, whichever occurs first, the project applicant shall pay the Public Impact Fees in the amount of \$709,258.30 in full, payable to the City of Burlingame and submitted to the Planning Division;
22. 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;
23. 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;
24. that the conditions of the Building Division's October 29, 2019 and January 28, 2020 memos, the Stormwater Division's October 17, 2019 and January 24, 2020 memos, the Park's Division's October 16, 2019 memo, Fire Division's August 16, 2019 and January 28, 2020 memos and the Public-Works Engineering Division's October 17, 2019 and February 27, 2020 memos related to the building permit submittal shall be met;
25. that the project shall be constructed in accordance with the December 2, 2019 "Request for Alternate Materials or Methods of Construction" agreement between the applicant (Studio T-Square Architecture or any future owner) and Central County Fire Department which requires the following: 1) The building shall be a minimum of Type IIIA construction. This has already been stated on the Planning Department plan submittal; 2) Fire sprinklers at the garage level shall be of quick-response type; and 3) Two stair enclosures extend to the roof level with standpipe test located immediately outside of the roof level stair well doors and the positive pressures system within each stair enclosure of smoke control;
26. prior to issuance of a building permit, the project sponsor shall verify that the August 23, 2019, FAA determination of no hazard to air navigation for the project is still current and has not expired (2/23/21) 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;
27. that that the project shall comply with the SFO Comprehensive Airport Land Use Compatibility Plan (ALUCP), specifically in accordance with Safety Compatibility Policy SP-2 pertaining to land uses; and that any future tenants of the commercial and office space comply with the Safety Compatibility Criteria for Safety Zone 2 as contained in Table IV-2 of the SFO ALUCP; this table defines uses to avoid and uses that are incompatible, summarized as follows:

Incompatible Uses- Use is not compatible in the indicated zones and cannot be permitted:

- a. **Children's schools** - Public and private schools serving preschool through grade 12, excluding commercial services
- b. **Large child day care centers and noncommercial employer-sponsored centers ancillary to a place of business** - Commercial facilities defined in accordance with Health and Safety Code, Section 1596.70, et seq., and licensed to serve 15 or more children.

- c. **Hospitals, nursing homes**
- d. **Hazardous uses** – Uses involving the manufacture, storage, or processing of flammable, explosive, or toxic materials that would substantially aggravate the consequences of an aircraft accident. See Policy SP-3 of the SFO ALUCP for additional detail.
- e. **Critical public utilities** - Facilities that, if disabled by an aircraft accident, could lead to public safety or health emergencies. They include the following: electrical power generation plants, electrical substations, wastewater treatment plants, and public water treatment facilities.
- f. **Theaters (Live, and Movie or Similar), meeting halls, places of assembly seating more than 300 people**
- g. **Stadiums, arenas**

28. 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.”;

29. 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;
30. that storage of construction materials and equipment on the street or in the public right-of-way shall be prohibited;
31. 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;
32. 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.
33. 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;
34. 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;
35. 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;
36. 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;
37. 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;
38. 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;
39. 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;
40. 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;
41. 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;
42. 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;

43. that the applicant shall comply with Ordinance 1503, the City of Burlingame Storm Water Management and Discharge Control Ordinance;
44. that the project shall meet all the requirements of the California Building and Uniform Fire Codes, as amended by the City of Burlingame;
45. that this project shall comply with Ordinance No. 1477, Exterior Illumination Ordinance;
46. 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 conditions shall be met during the Building Inspection process prior to the inspections noted in each condition:

47. that prior to scheduling the foundation inspection a licensed surveyor shall locate the property corners, set the building envelope;
48. 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;
49. 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;
50. that prior to final inspection, Planning Division staff will inspect and note compliance of the architectural details (trim materials, window type, etc.) to verify that the project has been built according to the approved Planning and Building plans;

The following conditions of approval are from applicable policies of the 2040 General Plan or the Environmental Impact Report prepared for the 2040 General Plan:

51. **Policy HP-3:12: Project-Specific Construction Best Practices.** The Project sponsor shall ensure implementation of the following BMPs during Project construction, in accordance with the BAAQMD's standard requirements:
 - All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, unpaved access roads) shall be watered two times per day.
 - All haul trucks transporting soil, sand, or other loose material offsite shall be covered.
 - All visible mud or dirt track-out onto adjacent public roads shall be removed using wet-power vacuum street sweepers at least once per day. The use of dry-power sweeping shall be prohibited.
 - All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - 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.
 - Idling times shall be minimized, either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure, Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
 - 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.

- A publicly visible sign with the name and telephone number of the person to contact at the lead agency regarding dust complaints shall be posted. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.
52. **PSM-CUL-1: Undiscovered Archaeological Resources.** 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 below). 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.
53. **PSM-CUL-1: Undiscovered Archaeological Resources.** 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.
54. **PSM-CUL-1: Undiscovered Archaeological Resources.** 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.
55. **PSM-CUL-1: Undiscovered Archaeological Resources.** If archaeological resources are identified, a final report summarizing the discovery of cultural materials shall be submitted to the City's Community Development Director prior to issuance of building permits. This report shall contain a description of the mitigation program that was implemented and its results, including a description of the monitoring and testing program, a list of the resources found and conclusion, and a description of the disposition/curation of the resources.
56. **CS-4.7: Airport and Heliport Noise.** Monitor noise impacts from aircraft operations at San Francisco International Airport and Mills-Peninsula Medical Center, and implement applicable noise abatement policies and procedures as outlined in the Airport Noise Ordinance and Airport Land Use Compatibility Plan;
57. **CS-4.8: Airport Noise Evaluation and Mitigation.** Require project applicants to evaluate potential airport noise impacts if the project is located within the 60 CNEL contour line of San Francisco International Airport (as mapped in the Airport Land Use Compatibility Plan). All projects shall be required to mitigate impacts to comply with the interior and exterior noise standards established by the Airport Land Use Compatibility Plan;
58. **CS-4.10: Project-Specific Construction Noise Control Measures.** To reduce construction noise impacts, the project contractor(s) shall implement the following actions:
- In compliance with Chapter 18.07.110 of the Municipal Code, construction activities, including truck traffic coming to and from the construction site for any purpose, shall be limited to the hours of 8:00 a.m. to 7:00 p.m., Monday to Friday, and 9:00 a.m. to 6:00 p.m. on Saturdays, unless permission is granted with a development permit or other planning approval.

- Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
- Avoid the use of circular saws, miter/chop saws, and radial arm saws near the adjoining noise-sensitive receptors. Where feasible, shield saws with a solid screen with material having a minimum surface density of 2 pounds per square foot (e.g., such as 0.74 inch plywood).
- Unnecessary idling of internal combustion engines shall be strictly prohibited.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- Maintain smooth vehicle pathways for trucks and equipment accessing the site and avoid local residential neighborhoods as much as possible.
- During final grading, substitute graders for bulldozers, where feasible. Wheeled heavy equipment are quieter than track equipment and should be used where feasible.
- During interior construction, locate noise-generating equipment within the building to break the line-of-sight to the adjoining receptors.
- The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.
- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g. bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

59. **Policy CS-4.12: Project-Specific Vibration Control Measures.** To reduce construction vibration impacts, the project contractor(s) shall implement the following actions:

- A list of all heavy construction equipment to be used for the proposed project known to produce high vibration levels (tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.) shall be submitted to the City of Burlingame by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort for reducing vibration levels below the thresholds.
- Operating equipment on the construction site shall be placed as far as possible from vibration-sensitive receptors.
- Smaller equipment shall be used where possible to minimize vibration levels below the limits.
- Vibratory rollers and tampers shall not be used within 20 feet of the 1860 El Camino Real building.
- Demolition methods not involving impact tools shall be used.
- Alternative construction methods to reduce vibration levels below the limits shall be identified and used.
- Dropping of heavy objects or materials shall be avoided.
- Neighbors within 100 feet of the construction site shall be notified of the construction schedule and that there could be noticeable vibration levels during project construction activities.
- If heavy construction is proposed within 20 feet of the 1860 El Camino Real building, a construction vibration-monitoring plan shall be implemented prior to, during, and after vibration generating construction activities located within these setbacks. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry accepted standard methods. The construction vibration monitoring plan should be implemented to include the following tasks:

- Performance of a photo survey, elevation survey, and crack monitoring survey for the 1860 El Camino Real building. Surveys shall be performed prior to and after completion of vibration generating construction activities located within 20 feet of the structure. The surveys shall include internal and external crack monitoring in the structure, settlement, and distress, and shall document the condition of the foundation, walls and other structural elements in the interior and exterior of the structure.
 - Conduct a post-survey on the 1860 El Camino Real building where either monitoring has indicated high levels or complaints of damage. Make appropriate repairs in accordance with the Secretary of the Interior's Standards where damage has occurred as a result of construction activities.
 - The results of any vibration monitoring shall be summarized and submitted in a report shortly after substantial completion of each phase identified in the project schedule. The report will include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations. An explanation of all events that exceeded vibration limits will be included together with proper documentation supporting any such claims.
 - Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.
60. **HP-5.2: Migratory Birds.** Avoid construction activities that involve tree removal between March and June, unless a bird survey has been conducted to determine that the tree is unused during the breeding season by avian species protected under California Fish and Game Codes 3503, 3503.5, and 3511;
61. **MM 12-1: Paleontological Assessment.** In areas containing middle to late Pleistocene-era sediments where it is unknown if paleontological resources exist, prior to grading an assessment shall be made by a qualified paleontological professional to establish the need for paleontological monitoring. Should paleontological monitoring be required after recommendation by the professional paleontologist and approval by the Community Development Director, paleontological monitoring shall be implemented.

Paleontological Monitoring. A project that requires grading plans and is located in an area of known fossil occurrence or that has been demonstrated to have fossils present in a paleontological field survey or other appropriate assessment shall have all grading monitored by trained paleontological crews working under the direction of a qualified professional, so that fossils exposed during grading can be recovered and preserved.

Should any potentially unique fossils be encountered during development activities, work shall be halted immediately within 50 feet of the discovery, the City of Burlingame Planning Department shall be immediately notified, and a qualified paleontologist shall be retained to determine the significance of the discovery.

Paleontological Recovery, Identification, and Curation. The City and a project applicant shall consider the mitigation recommendations of the qualified paleontologist for any unanticipated discoveries. The City and the project applicant shall consult and agree upon implementation of measures that the City and project applicant deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. The project applicant shall be required to implement any mitigation necessary for the protection of paleontological resources.

Paleontological Findings. Qualified paleontological personnel shall prepare a report of findings (with an itemized appendix of specimens) subsequent to implementation of paleontological recovery, identification, and curation. A preliminary report shall be submitted, subject to approval by the Community Development Director before granting of building permits, and a final report shall be

submitted, subject to approval by the Community Development Director before granting of occupancy permits.

Catherine Keylon
Senior Planner

- c. Bay Area Oil Supply Inc. & Prime Plaza LLC, applicant and property owners
Studio T-Square, architect

Attachments:

Applicant's Response Letter, dated October 8, 2020
March 9, 2020 Planning Commission Minutes
Application to the Planning Commission
Project Summary, dated October 15, 2019
NBMU Project Summary Checklist
NBMU Zoning District Map
FAA –Determination of No Hazard Letter, dated August 23, 2019
Map- Comprehensive Airport Land Use Safety Compatibility Zone 2
San Mateo County Income Limits 2020
Staff Comments
Central County Fire Department approval of AMP, dated December 2, 2019
Planning Commission Resolution (Proposed)
Notice of Public Hearing – Mailed October 16, 2020
Area Map

Separate Attachments:

Transportation Demand Management Plan (TDM)
CEQA 15183 Environmental Compliance Checklist, prepared by ICF, dated October 2020