

City of Burlingame

Commercial Design Review, Conditional Use Permit, Condominium Permit, and Tentative Condominium Map for a New 25-Unit Live/Work Building

**Item No. 8b
Regular Action Item**

Address: 601 California Drive

Meeting Date: September 28, 2020

Request: Application for Commercial Design Review, Conditional Use Permit for building height, Condominium Permit, and Tentative Condominium Map for a new five-story, 25-unit live/work condominium with at-grade parking.

Applicant and Architect: Ian Birchall, Ian Birchall and Associates

APN: 029-131-380

Property Owner: Edward Duffy, Renovattio Construction

General Plan: Downtown Specific Plan: North California Drive Commercial District

Lot Area: 10,250 SF (0.24 acres)

Zoning: C-2, North California Drive Commercial District

Adjacent Development: Automobile service, multi-family residential, preschool, and railroad right-of-way

Current Use: Decommissioned gas station; currently automobile service business

Proposed Use: 5-story, 25-unit live/work building

Allowable Use: Live/Work, retail, personal service, business service, hotel, office, food establishment, auto repair shops, auto sales, lots, laundry services (refer to C-2 and C-1 zoning district regulations for a full list of permitted and conditional uses).

Environmental Review: Section 15332 of the California Environmental Quality Act (CEQA) Guidelines is intended to promote in-fill development within urbanized areas. This class consists of in-fill projects which are consistent with local general plan and zoning requirements. This class is not intended to be applied to projects which would result in significant impacts on endangered, rare, or threatened species, traffic, noise, air quality, water quality, utilities, and public services. Application of this exemption, as all categorical exemptions, is limited by the exceptions described in Section 15300.2 of the CEQA Guidelines. Section 15332 states:

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

On the basis of the evidence provided in the analysis, it was determined the project is eligible for a Class 32 categorical exemption, in accordance with Section 15332, Infill Development Projects, of the CEQA Guidelines (see attached CEQA Class 32 Infill Exemption prepared by ICF, dated September 2020). Based on City of Burlingame threshold criteria, no additional substantial adverse impacts beyond those discussed in the analysis are anticipated. Because the project meets the criteria for categorically exempt infill development projects, 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. No further review is needed.

Project Summary: The project site is located at the southwest corner of California Drive and Floribunda Avenue. The project site consists of a single parcel and the front of the property faces California Drive. Currently, the parcel is occupied by a gas station that was decommissioned in July 2019; the existing canopy and underground fuel tanks were removed at that time. The site is currently be used by an automobile service business.

The site is surrounded by an automobile service facility to the west, a two-story multifamily residential building to the south, a Montessori school to the east (across Floribunda Avenue), and a railroad right-of-way to the north (across California Drive).

The applicant is proposing to construct a new five-story, 25-unit live/work building with at-grade parking. The ground floor will consist of an entrance lobby and an exercise room along California Drive. A conference room is proposed at the corner of the building facing California Drive and Floribunda Avenue. Behind these building amenities is a parking garage for 25 vehicles. Pedestrian entry to the building will be through one of four entry points, three entry points along California Drive and one entry point along Floribunda Avenue. The first entry on California Drive is a staircase at the right side of the building that is accessed either from California Drive or from the interior parking level, and the second and third entry points on California Drive are to the exercise room and the entry plaza that leads to the conference room and the lobby. The lobby contains a mail area, a staircase, and an elevator. The pedestrian entry point on Floribunda Avenue leads directly to the parking garage.

The proposed building includes 25 live/work units, with seven units located on each of the second, third, and fourth floors, and four units located on the fifth floor. The units range in size from 725 SF to 1237 SF in area. Each live/work unit will contain a living area, kitchen, bathroom, bedroom, and work area and a private open space (either a balcony or terrace).

There will be an enclosed at-grade parking garage located behind the lobby, exercise room, and conference room on the ground floor, providing access to 25 parking spaces and secured bicycle storage. There is only one point of vehicular ingress and egress from the garage, which is provided off Floribunda Avenue.

The Zoning Code defines live/work as “a single unit (e.g., studio, loft or one-bedroom) consisting of both a commercial/office and a residential component that is occupied by the same resident. The live/work unit shall be the primary dwelling of the occupant.” The Downtown Specific Plan allows live/work units in the following zoning districts: C-2 North California Drive Commercial District, California Drive Auto Row, Howard Mixed Use, Bayswater Mixed Use, and Myrtle Mixed Use (Conditional Use Permit required).

The following applications are required for this project:

- Commercial Design Review for construction of a new five-story, 25-unit live/work building with at-grade parking (C.S. 25.31.045 and 25.57.010 (c) (1) and Chapter 5 of the Downtown Specific Plan);
- Conditional Use Permit for building height (54'-11" proposed where 55'-0" is the maximum allowed; Conditional Use Permit required if building exceeds 35'-0") (C.S. 25.31.060 (c));
- Condominium Permit for construction of the new building (each unit to be privately owned) (C.S. 26.30.020); and
- Tentative Condominium Map.

Design Review Study Meeting: At the Planning Commission Design Review Study meeting on December 9, 2019, the Commission noted concerns with the project and voted to place this item on the Regular Action Calendar (see attached December 9, 2019 Planning Commission Minutes). Please refer to the attached meeting minutes for a complete list of comments/concerns expressed by the Planning Commission.

In response to the Planning Commission's comments at the Design Review Study session and to improve pedestrian safety concerns, the applicant made the following changes to the proposed project:

1. The first floor areas facing California Drive and the intersection of California Drive and Floribunda Avenue have been given a more pedestrian scale by replacing the parking spaces and mechanical room previously fronting these facades with exercise and conference rooms that flank the entry plaza and have windows facing the street;
2. The number of total live/work units has been reduced from 26 units to 25 units;
3. The number of total required and total proposed parking spaces has been reduced from 26 spaces to 25 spaces;
4. Revisions show that 24 of the 25 parking spaces are provided in automated vehicle puzzle stackers, where previously 22 of the 26 proposed spaces were provided in automated vehicle puzzle stackers;
5. The curb along Floribunda Avenue, from the intersection with California Drive to the private driveway for the multi-family dwelling abutting the project to the south, will be painted red to improve line of site and pedestrian safety when vehicles are existing the parking area; and
6. A visual and audio pedestrian warning system will be installed on the building at the parking area entry/exit driveway on Floribunda Avenue.

The applicant submitted a response letter and revised plans, date stamped September 22, 2020, to address the Planning Commission's comments and concerns. Please refer to the applicant's letter and revised plans for a detailed list of changes made to the project.

Commercial Design Review: Commercial Design Review is required for new commercial and mixed use buildings pursuant to Code Sections 25.31.045 and 25.57.010(c)(1). Design Review was instituted for commercial projects in 2001 with the adoption of the Commercial Design Guidebook. The project is located within the boundaries of the *Burlingame Downtown Special Plan* and therefore subject to Chapter 5 of the Downtown Specific Plan (Design & Character). Section 5.2 (pages 5-3 through 5-12) provides design guidelines specifically for commercial and mixed use areas within the Downtown Specific Plan area. Section 5.4 (pages 5-22 through 5-25) provides more general design guidelines that apply to all areas of the downtown. The relevant pages of the plan have been included as an attachment for convenience of commissioners.

The proposed exterior facades will include a variety of materials including Parklex wood cladding, aluminum framed windows, stucco with a smooth finish, glass panels, and the following aluminum features: panels, coping, louvers, grating, and fins. The applicant provided renderings of the proposed project from various view points along California Drive and Floribunda Avenue on Sheets A-5.00, A-5.10, and A-5.11.

Off-Street Parking: Because the live/work project is located within a commercial district and is proposed as a condominium, the commercial condominium parking dimension regulations would apply. Based on parking requirements for commercial condominiums found in Code Section 25.30.070 (a), unistall parking spaces are permitted (8'-6" x 18'-0" allowed and proposed) and an area for a delivery/service vehicle is not required (not provided with this project; only required for residential condominiums).

However, regarding the number of parking spaces required, it was determined that the residential parking regulations are most appropriate for live-work projects. The subject property is located within the boundaries of the plan area for the Downtown Specific Plan. Therefore, the project qualifies for the reduced residential parking requirements for Downtown, as per Code Section 25.70.032. Based on the number of bedrooms per unit proposed for this project (all 1-bedroom units), the Zoning Code requires a total of 25 off-street parking spaces (1 parking space per studio/1-bedroom unit required).

The project includes a total of 25 at-grade/below grade parking spaces (24 automated parking spaces, utilizing pit puzzle stackers with EV charging capabilities for 4 spaces + 1 at-grade van accessible space), all located on the ground floor. No guest parking is required on-site for properties located within the Downtown Specific Plan area (no guest parking provided). The at-grade parking will be accessed from a 12-foot wide driveway on Floribunda Avenue. The proposed project complies with the zoning code which requires a minimum of a 12-foot wide driveway for parking areas with not more than 30 vehicles. Bicycle parking is provided on the ground floor along the right side wall and the proposed single bicycle rack can accommodate two bicycles.

The Municipal Code does not include specifications for vehicle stackers, so the City currently does not have a standard mechanism for review and approval. However, as a policy the Downtown Specific Plan encourages “creative approaches” to providing on-site parking including stackers. The stackers could each be considered “creative approaches” to providing the required on-site parking. To date, the City has approved several commercial and residential projects with various parking lift systems and more than three of these projects have been built and have parking lift systems in use. The proposed shuffle stackers will require a pit with a finished floor level that is 5'-11" below the average top of curb level.

A total of three curb cuts for the existing gas station are proposed to be removed, two along California Drive and one along Floribunda Avenue. To comply with line of sight for entry and exit to the proposed parking area, the curb along Floribunda Avenue, from the intersection with California Drive to the private driveway for the multi-family dwelling immediately behind the site, will be painted red and no street vehicle parking will be allowed along this curb. With the proposed project, two street parking spaces will be removed on Floribunda Avenue and two street parking spaces will be added on California Drive, for a net loss of zero street parking spaces.

To address pedestrian safety, the applicant is proposing an audio visual alert system to warn pedestrians walking along Floribunda Avenue and any vehicles needing to enter the parking area of the presence of exiting vehicles. The system is a wall-mounted sign that has a motion sensor trigger to activate an illuminated sign and an audio warning when a vehicle is exiting the parking area onto Floribunda Avenue. Following is a link to the style of alert system that will be used: <http://passsigns.com/warning-signs/car-coming-sign/> .

Landscaping/Private and Common Open Space: Although there are no landscaping requirements in the C-2, North California Drive Commercial District, landscaping is proposed in the rear yard. Sheets L1.0 through L3.0 show the proposed landscaping and include concept images of the proposed landscaping, planters, and seating areas.

There are no protected size trees on the site or in the right-of-way planting strips adjacent to the site along California Drive or Floribunda Avenue. Two existing on-site trees will be removed with construction and the landscape plan indicates that three, 36-inch box trees (Coast Live Oak, London Plane and Mayten), one 24-inch box tree (Samuel Sommer Magnolia), and one, 15-gallon tree (Crape Myrtle) will be planted in the landscaped common space in the rear yard. Two existing street trees are proposed to be removed along Floribunda Avenue and three new street trees will be planted. Along California Drive, one existing street tree will be retained.

There are no requirements for private and common open space for commercial condominiums. However, in addition to the common open space in the rear yard, the proposed project includes private balconies or terraces for each of the 25 the live/work units (35 SF to 650 SF in size).

Table 1 - Compliance with C-2, North California Drive Commercial District Regulations

Lot Area: 10,250 SF

Plans date stamped: September 22, 2020

	Proposed	Allowed/Required
Land Use:	25 live/work units above the first floor; lobby, exercise and conference rooms, and parking located on first floor	live/work units permitted above the first floor only
Floor Area Ratio:	2.95 FAR (30,248 SF)	3.0 FAR (30,750 SF)
Lot Coverage:	74% (7,536 SF)	75% (7,688 SF)
Setbacks Front (California Drive): Exterior Side (Floribunda Ave): Interior Side: Rear:	 0'-0" 0'-0" 0'-0" 17'-11" at closest	 no minimum required no minimum required no minimum required 10'-0"
Building Height:	54'-11" to top of building roof ¹	55'-0" maximum CUP required if over 35'-0"
Off-Street Parking:	25 spaces	25 spaces (1 space per unit) Includes 1 accessible space and 4 EV charging spaces

¹ Conditional Use Permit required for building height (54'-11" proposed where 55'-0" is the maximum allowed; Conditional Use Permit required if building exceeds 35'-0"). C.S. 25.31.060(c).

General Plan and Specific Plan: In 2010 the City Council adopted the Burlingame Downtown Specific Plan, which serves as an element of the General Plan. The subject property is located within the boundaries of the planning area for the Downtown Specific Plan, specifically in the North California Drive Commercial District which is described as follows:

The North California Drive Commercial District is the area along the west side of California Drive north of Bellevue Avenue to Oak Grove Avenue. Service Commercial uses dominate in this area. Retail or hotel uses are permitted on the ground floor whereas offices or hotel uses can be allowed on upper floors.

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

GOAL/POLICY	PROJECT PROPOSED
Goal LU-3: Ensure sensitive transitions between the existing adjacent residential areas and the downtown area.	The proposed five-story live/work condominium development provides a sensitive transition between the California Drive transit corridor to the north and the existing multifamily developments to the south by

GOAL/POLICY	PROJECT PROPOSED
	having a stepped back top floor and by providing an ample rear setback and substantial landscaping in the south-facing rear yard.
Goal LU-5.3: Encourage a diverse mix of uses that includes a variety of business types and housing options.	The proposed live/work condominium development will provide unique units to be used as a combination of business and housing.
Policy P-1.2: Devote less land for parking Downtown while accommodating increased demand by using the land more efficiently with decked or underground parking.	Less land is devoted for parking by using an automated vehicle puzzle stacker system.
Policy P-1.3: Conceal parking areas through the use of attractively designed above- or below-ground parking structures.	The parking for the project is hidden behind a pedestrian friendly façade with windows and entry areas along California Drive and at the intersection of California Drive and Floribunda Avenue. The parking garage is limited to one entry and exit point off Floribunda Avenue and will entry to the parking area will be enhanced by a decorative gate.
Policy C-2.6: Consider the needs of pedestrian, bicycles, and people with disabilities.	Storage for bicycles is provided in in the parking garage. A pedestrian warning system will be installed to provide audio and visual signals at the parking garage access point on Floribunda Avenue.
Policy S-1.3: Streetscapes should reflect Burlingame’s destination as a “tree city.” Trees should be planted throughout the downtown as an integral part of the streetscape, and mature streets trees should be preserved whenever possible.	The single existing tree on Floribunda Avenue will be replaced with three new street trees.
Policy D-1.2: Require design review for all new downtown buildings and for changes to existing downtown buildings, and integrate historic review into the design review process. Policy D-3.1: Ensure that new development is appropriate to Burlingame with respect to size and design.	The proposed project is subject to the design review process. The building is characterized by a single contemporary architectural style and its design fits the site and is compatible with the surrounding development by exhibiting thoughtful massing, and a pedestrian scale.
Policy D-4.2 Corner buildings should have interest along both street elevations, such as doors, windows, and awnings on both the front and side building faces.	Both the California Drive and the Floribunda Avenue elevations engage and invite pedestrian access with multiple windows, recessed entry areas, and landscaping on the ground floor, and articulated walls and repetitive fenestration on the upper floors.

Public Facilities Impact Fee: The purpose of public facilities impact fees is to provide funding for necessary maintenance and improvements created by development projects. Public facilities impact fees are based on the uses, the number of dwelling units, and the amount of square footage to be located on the property after completion of the development project. New development that, through demolition or conversion, will eliminate

existing development is entitled to a fee credit offset if the existing development is a lawful use under this title, including a nonconforming use.

Based on the proposed 25-unit live/work condominium development, the required public facilities impact fees for this development project are approximately \$125,759.00.

Affordable (Below-Market Rate) Units: The City's previous Inclusionary Housing Ordinance has been replaced by a Density Bonus Ordinance consistent with State Law. The Density Bonus Ordinance is discretionary, and projects are not obligated to provide affordable units unless they seek to utilize development standard incentives offered by the ordinance. The applicant has not chosen to apply any of the development standard incentives offered by the Density Bonus Ordinance and therefore is not providing any affordable units as part of the project.

Residential Impact Fee: The purpose of residential impact fees is to support and build new homes for lower-income residents. The fees can be charged to developers of new residential projects and used for land purchase, construction costs, or site rehabilitation related to providing workforce housing. The applicant has chosen not to include any Below Market Rate units in the development, which would result in the residential impact fees being waived. Therefore, the residential impact fees for this development project are approximately \$610,410.00 - \$712,145.00 (depending on use of prevailing wage labor).

Conditional Use Permit Request for Building Height: The C-2, North California Drive Commercial District states that no building shall exceed a height of 55'-0". A conditional use permit is required for any building which exceeds 35'-0" in height. The proposed height, measured to the top of the roof, will be 54'-11" (from average top of curb). The elevator, boiler, and stair enclosures on the roof make up less than 5% of the roof area and do not extend more than 10'-0" above the top of parapet, therefore these enclosures are not counted as part of the building height.

Staff Comments: None.

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

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

- (6) Provision of site features such as fencing, landscaping, and pedestrian circulation that enriches the existing opportunities of the commercial neighborhood.

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

- that the project is consistent with the diverse architectural styles of existing residential and commercial buildings in the area and characterized by an articulated façade with recessed entry areas on the ground floor, and repetitive fenestration on the upper floors; the project mediates between existing buildings in the area ranging from one to three stories in height and the California Drive transit corridor, to create a sensitive transition from the mixed uses along the California Drive transit corridor to the residential neighborhood on the south side. The project design embraces the street and the pedestrian domain with visual interest generated at the ground level by windows with views to common spaces and interspersed landscaping in planters along the street frontages;
- that the architectural style offers contemporary design elements to be compatible with mixed architectural styles in the adjacent neighborhoods and the City as a whole, and that human scale is provided at the street level consisting of an entry plaza at the corner of the building to engage both street frontages and on the upper levels individual balconies provide residential scale and character;
- that parking for the project does not dominate the street frontage because the garage has been located behind the ground floor building common amenity spaces concentrated along the street façades and there is only one driveway access to the garage measuring 12 feet in width, or 12% of the frontage along Floribunda Avenue;
- that the building is characterized by a single contemporary architectural style and its design fits the site and is compatible with the surrounding development by exhibiting thoughtful massing, character and pedestrian scale. The design exhibits well-articulated massing enhanced by a variety of exterior materials with coordinated textures and colors, and a sensitivity to the surrounding buildings and uses with a recessed fifth floor and a landscaped rear yard setback;
- that the building is compatible with the mass, bulk, scale, and existing materials of existing development in that the exterior building materials include a mix of stucco, wood cladding, board formed cement, spandrel glass panels, aluminum panels, louvers and grating, glass entry doors, and aluminum windows; and
- that site features such as fencing, landscaping, and pedestrian circulation will enrich the existing opportunities of the neighborhood transitioning from commercial to residential uses.

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 Building Height: Based on the following reasons, the project may be found to be compatible with the requirements of the City's three Conditional Use Permit criteria.

- 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, in that the live/work use is consistent with the existing commercial and multiple-family residential uses in the neighborhood;
- 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 live/work use on a property determined to be suitable for such use in the Zoning Code and Burlingame General Plan; and
- The proposed project will be compatible with the aesthetics, mass, bulk, and character of the existing and potential uses on adjoining properties and in the general vicinity in that given the neighborhood, bounded by California Drive, Oak Grove and Bellevue Avenues, is generally composed of one- to three-story structures and the North California Commercial Drive District is intended to be developed with transitional uses and buildings to separate the mixed use transit corridor from the multi-family residential neighborhood to the south. The project is generally compatible with the surrounding structures in mass and scale with a proposed building height of 54'-11" to top of parapet; and because the top (fifth) floor is stepped back 7'-6" along the front of the building (California Drive), 9'-3" on the exterior side (Floribunda Avenue), and 9'-0" along the rear of the building, so that it will provide a sense of a four-story building when viewed from nearby locations, will be a less prominent element of the street-facing building façades, and will be compatible with the mass and character of existing buildings and future development in the area.

Criteria for Permitting a Condominium: The following condominium standards shall apply to all land and structures proposed as a part of a condominium project and shall be evaluated and processed pursuant to the procedural requirements set forth for condominium permits in Title 26 of this code. No condominium project or portion thereof shall be approved or conditionally approved in whole or in part unless the planning commission, or city council upon appeal or review, has reviewed the following on the basis of their effect on:

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

Suggested Findings for Condominium Permit: Based on the following reasons, the project may be found to be compatible with the requirements of the City's Condominium Permit criteria.

- *Sound community planning; the economic, ecological, social and aesthetic qualities of the community; and on public health, safety and general welfare* in that the 25-unit live/work development project is scaled to be compatible with existing commercial and multifamily buildings in the area and features appropriate landscaping with usable common open space on the ground level;
- *The overall impact on schools, parks, utilities, neighborhoods, streets, traffic, parking and other community facilities and resources* in that the project site is located in an urban area and is

surrounded by commercial and residential development which is served by utility and public services; and that a Class 32 Infill Exemption prepared for the project analyzed potential impacts of new infill development and concluded the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and

- *Conformity with the general plan and density permitted by zoning regulations*, in that the project provides 25 live/work units and consistent with the applicable general plan and zoning designations.

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

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

Planning Commission Action: The Planning Commission should hold a public hearing on the application and consider public testimony and the analysis contained within the staff report. Affirmative action should be by resolution and include findings for Design Review, Condominium Permit, Conditional Use Permit, and Tentative Condominium Map. The reasons for any action should be clearly stated for the record. 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 September 22, 2020, sheets A0.01 through A-6.00, L-1.00 through L-3.00, C-1, and Architectural Site Survey dated November 20, 2019;
2. that prior to issuance of a building permit for construction of the project, the project construction plans shall be modified to include a cover sheet listing all conditions of approval adopted by the Planning Commission, or City Council on appeal; which shall remain a part of all sets of approved plans throughout the construction process. Compliance with all conditions of approval is required; the conditions of approval shall not be modified or changed without the approval of the Planning Commission, or City Council on appeal;
3. that prior to issuance of a building permit, the applicant shall apply for a tentative and final condominium map with the Public Works, Engineering Division for processing in conformance with the Subdivision Map Act;
4. that prior to issuance of the building permit for the project, the applicant shall pay the residential impact fees in the amount of \$610,410.00 to \$712,145.00 (to be determined based on use of prevailing wage labor) made payable to the City of Burlingame and submitted to the Planning Division;
5. that prior to issuance of the final framing inspection of the project, the applicant shall pay the public facilities impact fees in the amount of \$125,759.00, made payable to the City of Burlingame and submitted to the Planning Division;

6. that any changes to the size or envelope of the building, which would include expanding the footprint or floor area of the structure, replacing or relocating windows or changing the roof height or pitch, shall be subject to Planning Commission review (FYI or amendment to be determined by Planning staff);
7. that the final inspection shall be completed and a certificate of occupancy issued before the close of escrow on the sale of each unit;
8. that the developer shall provide to the initial purchaser of each unit and to the board of directors of the condominium association, an owner purchaser manual which shall contain the name and address of all contractors who performed work on the project, copies of all warranties or guarantees of appliances and fixtures and the estimated life expectancy of all depreciable component parts of the property, including but not limited to the roof, painting, common area carpets, drapes and furniture;
9. that a Klaus automated vehicle stacker parking system, or an equivalent parking lift system, shall be installed, with the following conditions:
 - a. the parking lifts shall be properly illuminated to provide safety for easy loading and unloading, while not causing excessive glare.
 - b. signage shall be installed explaining the proper use of the lifts and emergency contact information for lift maintenance or problems.
 - c. the final design of the parking lifts shall be subject to the review and approval of the Community Development Director.
10. that the developer shall install a visual and audio pedestrian warning system shall be installed at the exit/entrance to the building parking area and that the developer shall install a red curb along Floribunda Avenue from the intersection with California Drive to the edge of the driveway apron for the multifamily property immediately to the south and abutting the subject site rear property line; and that both installations are subject to approval by the Public Works Division;
11. that the project shall be constructed in accordance with the July 29, 2019 "Request for Alternate Materials or Methods of Construction" agreement between Edward Duffy and Central County Fire Department;
12. that if the City determines that the structure interferes with City communications in the City, the property owner shall permit public safety communications equipment and a wireless access point for City communications to be located on the structure in a location to be agreed upon by the City and the property owner. The applicant shall provide an electrical supply source for use by the equipment. The applicant shall permit authorized representatives of the City to gain access to the equipment location for purposes of installation, maintenance, adjustment, and repair upon reasonable notice to the property owner or owner's successor in interest. This access and location agreement shall be recorded in terms that convey the intent and meaning of this condition;
13. that all construction shall abide by the construction hours established in the Municipal Code; with the exception of certain activities noted in the Class 32 Categorical Infill Exemption dated September 2020 and subject to the approval of the Chief Building Official;
14. that the project applicant and its construction contractor(s) shall develop a construction management plan for review and approval by the City of Burlingame. The plan must include at least the following items and requirements to reduce, to the maximum extent feasible, traffic and parking congestion during construction:

- a. A construction parking plan to provide worker parking off site and generally off neighborhood streets, with shuttles or other transportation as needed to transport workers to the site;
 - b. A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes;
 - c. Identification of haul routes for movement of construction vehicles that would minimize impacts on motor vehicular, bicycle and pedestrian traffic, circulation and safety, and specifically to minimize impacts to the greatest extent possible on streets in the project area;
 - d. Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures would occur;
 - e. Provisions for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the project applicant; and
 - f. Designation of a readily available contact person for construction activities who would be responsible for responding to any local complaints regarding traffic or parking. This coordinator would determine the cause of the complaint and, where necessary, would implement reasonable measures to correct the problem.
15. that the applicant shall submit an erosion and sedimentation control plan describing BMPs (Best Management Practices) to be used to prevent soil, dirt and debris from entering the storm drain system; the plan shall include a site plan showing the property lines, existing and proposed topography and slope; areas to be disturbed, locations of cut/fill and soil storage/disposal areas; areas with existing vegetation to be protected; existing and proposed drainage patterns and structures; watercourse or sensitive areas on-site or immediately downstream of a project; and designated construction access routes, staging areas and washout areas;
16. that the applicant shall submit a Construction Noise Control Plan. This plan would include measures such as:
- Using smaller equipment with lower horsepower or reducing the hourly utilization rate of equipment used on the site to reduce noise levels at 50 feet to the allowable level.
 - Locating construction equipment as far as feasible from noise-sensitive uses.
 - Requiring that all construction equipment powered by gasoline or diesel engines have sound control devices that are at least as effective as those originally provided by the manufacturer and that all equipment be operated and maintained to minimize noise generation.
 - Prohibiting gasoline or diesel engines from having unmuffled exhaust systems.
 - Not idling inactive construction equipment for prolonged periods (i.e., more than 5 minutes).
 - Constructing a solid plywood barrier around the construction site and adjacent to operational businesses, residences, or other noise-sensitive land uses.
 - Using temporary noise control blanket barriers.
 - Monitoring the effectiveness of noise attenuation measures by taking noise measurements.
 - Using “quiet” gasoline-powered compressors or electrically powered compressors and electric rather than gasoline- or diesel-powered forklifts for small lifting.
17. that all off-road diesel-powered equipment used during construction is equipped with U.S. Environmental Protection Agency (EPA) Tier 4 “final” engines;

18. 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;
19. 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;
20. that storage of construction materials and equipment on the street or in the public right-of-way shall be prohibited;
21. 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;
22. 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;
23. 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;
24. 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;
25. 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;
26. that the applicant shall coordinate with the City of Burlingame Parks Division regarding the planting of three (3) street trees along Floribunda Avenue;
27. 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;
28. 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;
29. that the applicant shall comply with Ordinance 1503, the City of Burlingame Storm Water Management and Discharge Control Ordinance;
30. that the project shall meet all the requirements of the California Building and Uniform Fire Codes, as amended by the City of Burlingame;
31. that this project shall comply with Ordinance No. 1477, Exterior Illumination Ordinance;

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

32. that prior to scheduling the foundation inspection a licensed surveyor shall locate the property corners, set the building envelope;
33. that prior to underfloor frame inspection the surveyor shall certify the first floor elevation of the new structure(s) and the various surveys shall be accepted by the Building Division;
34. 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;
35. 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;
36. that the maximum elevation to the top roof parapet shall not exceed elevation 75.26', as measured from the average elevation at the top of the curb along California Drive (20.31') for a maximum height not to exceed 54'-11" to the top of roof of the fifth floor; the garage finished floor elevation shall be elevation 20.12'; the top of each floor and final roof ridge shall be surveyed by a licensed surveyor who shall provide certification of that height to the Building Division; Should any framing exceed the stated elevation at any point it shall be removed or adjusted so that the final height of the structure with roof shall not exceed the maximum height shown on the approved plans;

The following conditions of approval are from Downtown Specific Plan:

37. that if subgrade structures are proposed, the project sponsor shall prepare a Geotechnical Study identifying the depth to the seasonal high water table at the project site. No permanent groundwater dewatering would be allowed. Instead, all residential uses must be elevated to above the seasonal high water table and all areas for non-residential uses shall be flood-proofed and anchored, in accordance with floodplain development requirements, to the design depth as recommended by geotechnical engineer. Final design shall be prepared by a qualified professional engineer and approved by the Burlingame Department;
38. the project sponsor shall implement all appropriate control measures from the most currently adopted air quality plan at the time of project construction;
39. the project sponsor shall ensure implementation of the following mitigation measures during project construction, in accordance with BAAQMD standard mitigation requirements:
 - a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day or as necessary.
 - b. All haul trucks transporting soil, sand, or other loose material offsite shall be covered or otherwise loaded consistent with California Vehicle Code Section 23114.
 - c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry sweeping is prohibited.

- d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - e. All roadways, driveways, sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - f. Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of the California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - h. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
43. the project sponsor shall implement the following Greenhouse Gas reduction measures during construction activities:
- a. Alternative-Fueled (e.g., biodiesel, electric) construction vehicles/equipment shall make up at least 15 percent of the fleet.
 - b. Use at least 10 percent local building materials.
 - c. Recycle at least 50 percent of construction waste or demolition materials.
44. the project sponsor shall provide adequate secure bicycle parking in the plan area at a minimum ratio of 1 bicycle spot for every 20 vehicle spots;
45. the condominium management shall post and update information on alternate modes of transportation for the area (i.e. bus/shuttle schedules and stop locations, maps);
46. the project sponsor shall incorporate commercial energy efficiency measures such that energy efficiency is increased to 15% beyond 2008 title 24 standards for electricity and natural gas;
47. the project sponsor shall incorporate recycling measures and incentives such that a solid waste diversion rate of 75% is achieved upon occupation of each phase of plan development;
48. the project sponsor shall incorporate residential water efficiency measures such that water consumption is decreased by a minimum of 10 percent over current standard water demand factors;
49. that construction shall avoid the March 15 through August 31 avian nesting period to the extent feasible, as determined by staff. If it is not feasible to avoid the nesting period, a survey for nesting birds shall be conducted by a qualified wildlife biologist no earlier than 7 days prior to construction. The area surveyed shall include all clearing/construction areas, as well as areas within 250 ft. of the boundaries of these areas, or as otherwise determined by the biologist. In the event that an active nest is discovered, clearing/construction shall be postponed within 250 ft. of the nest, until the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts;

50. that for projects within the Plan Area that require excavation, a Phase I Environmental Site Assessment (and Phase II sampling, where appropriate) would be required. If the Phase I Environmental Site Assessment determines that remediation is required, the project sponsor would be required to implement all remediation and abatement work in accordance with the requirements of the Department of Toxic Substances Control (DTSC), Regional Water Quality Control Board (RWQCB), or other jurisdictional agency;
51. the following practices shall be incorporated into the construction documents to be implemented by the project contractor.
- a. Maximize the physical separation between noise generators and noise receptors. Such separation includes, but is not limited to, the following measures:
 - Use heavy-duty mufflers for stationary equipment and barriers around particularly noisy areas of the site or around the entire site; - Use shields, impervious fences, or other physical sound barriers to inhibit transmission of noise to sensitive receptors;
 - Locate stationary equipment to minimize noise impacts on the community; and
 - Minimize backing movements of equipment.
 - b. Use quiet construction equipment whenever possible.
 - c. Impact equipment (e.g., jack hammers and pavement breakers) shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically-powered tools. Compressed air exhaust silencers shall be used on other equipment. Other quieter procedures, such as drilling rather than using impact equipment, shall be used whenever feasible.
52. the project sponsor shall incorporate the following practice into the construction documents to be implemented by construction contractors: The project sponsor shall require that loaded trucks and other vibration-generating equipment avoid areas of the project site that are located near existing residential uses to the maximum extent compatible with project construction goals;
53. that if the project increases sewer flows to the sanitary sewer system, the project sponsor shall coordinate with the City Engineer to determine if improvements to public sanitary sewer infrastructure are needed. If improvements are needed, the following shall apply:
- that prior to issuance of a building permit, the project sponsor shall develop a plan to facilitate sanitary sewer improvements. The plan shall include a schedule for implementing sanitary sewer upgrades that would occur within the development site and/or contribution of a fair share fee toward those improvements, as determined by the City Engineer. The plan shall be reviewed by the City Engineer.
54. that prior to issuance of a building permit, the development plans shall be reviewed by the Fire Marshal to determine if fire flow requirements would be met given the requirements of the proposed project, and the size of the existing water main(s). If the Fire Marshal determines improvements are needed for fire protection services, then the following shall apply:
- that prior to issuance of a building permit the project sponsor shall be required to provide a plan to supply adequate water supply for fire suppression to the project site, consistent with the Fire Marshal's requirements. The plan shall be reviewed by the Fire Marshal. The project sponsor shall be responsible for implementation of the plan including installation of new water mains,

and/or incorporation of fire water storage tanks and booster pumps into the building design, or other measures as determined by the Fire Marshal.

55. that if evidence of an archeological site or other suspected cultural resource as defined by CEQA Guidelines Section 15064.5, including darkened soil representing past human activity (“midden”), that could conceal material remains (e.g., worked stone, worked bone, fired clay vessels, faunal bone, hearths, storage pits, or burials) is discovered during construction-related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted and the City of Burlingame shall be notified. The project sponsor shall hire a qualified archaeologist to conduct a field investigation. The City of Burlingame shall consult with the archeologist to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than significant level through data recovery or other methods determined adequate by a qualified archaeologist and that are consistent with the Secretary of the Interior's Standards for Archeological Documentation. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-J) form and filed with the NWIC;
56. that should a unique paleontological resource or site or unique geological feature be identified at the project construction site during any phase of construction, the project manager shall cease all construction activities at the site of the discovery and immediately notify the City of Burlingame. The project sponsor shall retain a qualified paleontologist to provide an evaluation of the find and to prescribe mitigation measures to reduce impacts to a less-than-significant level. Work may proceed on other parts of the project site while mitigation for paleontological resources or geologic features is carried out. The project sponsor shall be responsible for implementing any additional mitigation measures prescribed by the paleontologist and approved by the City; and
57. that if human remains are discovered at any project construction site during any phase of construction, all ground-disturbing activity within 100 feet of the resources shall be halted and the City of Burlingame and the County coroner shall be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California’s Health and Safety Code. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project sponsor shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. The City of Burlingame shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of State law, as set forth in CEQA Guidelines section 15064.5(e) and Public Resources Code Section 5097.98. The project sponsor shall implement approved mitigation, to be verified by the City of Burlingame, before the resumption of ground-disturbing activities within 100 feet of where the remains were discovered.

Erika Lewit
Senior Planner

- c. Ian Birchall, Ian Birchall Associates, applicant and architect
Edward Duffy, property owner

Attachments:

December 9, 2019 Planning Commission Meeting Minutes

Applicant's Response Letter, date stamped September 22, 2020
Tentative Condominium Map, date stamped September 23, 2020
Application to the Planning Commission
Conditional Use Permit Application
San Mateo County letters regarding the fuel tank removal, dated September 26 and October 22, 2019
Product Data Sheets for Klaus automated vehicle stacker
Downtown Specific Plan Applicable Design Guidelines
Planning Commission Resolution (Proposed)
Notice of Public Hearing – Mailed September 18, 2020
Area Map

Submitted Separately:

CEQA Class 32 Infill Exemption prepared by ICF, dated September 2020