

City of Burlingame

Environmental Review, Condominium Permit, Design Review, Conditional Use Permit, and Tentative Condominium Map for a Proposed Residential Condominium

**Item No. 8c
Regular Action**

Address: 556 El Camino Real

Meeting Date: May 29, 2018

Request: Application for Environmental Review, Condominium Permit, Design Review, Conditional Use Permit for building height, and Tentative Condominium Map for a new five-story, 21-unit residential condominium with below-grade parking.

Applicant: Roman Knop

APN: 029-111-260

Property Owner: Roman Knop

Lot Area: 15,107 SF

Designer: Vadim Melik-Karamov

General Plan: High Density Residential

Zoning: R-3

Burlingame Downtown Specific Plan (R-3 Base District)

Adjacent Development: Multi-family and single-family dwellings

Current Use: 14-unit residential apartment building

Proposed Use: 21-unit residential condominium building.

Allowable Use: Multiple-family, duplex, and single-family dwellings

Project Summary: The applicant is proposing a new, five-story, 21-unit residential condominium building with below-grade parking at 556 El Camino Real, zoned R-3. The project site currently contains a 14-unit apartment building, which would be demolished to build the proposed 21-unit residential condominium building. The existing buildings were not identified on the Draft Inventory of Historic Resources of the Burlingame Downtown Specific Plan. The site is bordered by a three-story, 38-unit multifamily building to the north at 1545 Floribunda Avenue, three-story 12-unit and 32-unit multifamily buildings to the south at 550 and 530 El Camino Real, and a three-story 28-unit multifamily building to the rear at 1515 Floribunda Avenue. Across El Camino Real are single family homes within the Town of Hillsborough.

The proposed building would contain 21 residential units in five floors and a below-grade parking garage. The garage would utilize an automated mechanical parking system. Units would range from 1 to 3 bedrooms, and from 630 to 1,955 square feet in size. The average unit size proposed is 1,244 SF (1,250 SF average maximum unit size permitted).

Planning staff identified that the following applications will be required for this project:

- Design Review for construction of a new five-story, 21-unit condominium building with below-grade parking (C.S. 25.28.045 and Chapter 5 of the Downtown Specific Plan);
- Conditional Use Permit for building height (55'-0" and five stories proposed where a Conditional Use Permit is required if the building exceeds 35'-0" in height and four stories; 55'-0" is the maximum allowed) (C.S. 25.28.060); and
- Condominium Permit (Tentative Condominium Map) required for construction of new condominium building (C.S. 26.30.020).

Project History: An application for a new 22-unit condominium at 556 El Camino Real was first submitted in 2012, and a substantially redesigned application with 25 units was submitted in 2013. On February 24, 2014 the Planning Commission held an environmental scoping meeting and design review study meeting and referred the application to a design review consultant (February 24, 2014 meeting minutes attached).

Subsequent to the February 24, 2014 meeting the applicant retained a new designer to revise the project design. Jerry Winges was selected as the design review consultant, and met together with the applicant, designer and staff on several occasions to refine the project design.

Changes to the design from the previous submittal include:

- Revised architectural treatment with a contemporary design approach
- Reduction of units from 25 units to 21 units
- Top-floor setbacks on all sides of the building
- Circular front entry drive

On January 25, 2016 the Planning Commission held an environmental scoping meeting and design review study meeting to review the revised plans. On March 11, 2016 revised plans were submitted with a redesigned garage layout to allow additional queuing space for vehicles entering the parking garage. These plans served as the basis for the subsequent environmental review.

On July 24, 2017 the application and environmental review was reviewed by the Planning Commission as an Action Item (July 24, 2017 meeting minutes attached). The Planning Commission continued the item to allow modifications and further analysis of the underground garage, traffic circulation and queuing, and geotechnical matters.

On January 19, 2018 revised plans were submitted with a redesigned garage layout that increases the distance of the underground garage from neighboring properties. A revised traffic queuing analysis and revised geotechnical report have been submitted reflecting the modified garage layout. The environmental review documents were subsequently updated to reflect the revisions, including the updated queuing analysis and geotechnical report.

556 El Camino Real

Lot Area: 15,107 SF

Plans date stamped: January 19, 2018

	PROPOSED	ALLOWED/REQUIRED
Front (Basement):	20'-0"	20'-0"
(1st flr):	22'-0" (edge of trash lift)	21'-0" (block average)
(2nd flr):	23'-2"	21'-0" (block average)
(3rd flr):	23'-2"	21'-0" (block average)
(4th flr):	23'-2"	21'-0" (block average)
(5th flr):	33'-4"	21'-0" (block average)
Right Side (Basement):	11'-1"	0'-0"
(1st flr):	11'-1"	7'-0"
(2nd flr):	10'-8"	8'-0"
(3rd flr):	10'-8"	9'-0"
(4th flr):	10'-8"	10'-0"
(5th flr):	16'-2"	11'-0"
Left Side (Basement)	11'-2"	0'-0"
(1st flr):	11'-2"	7'-0"
(2nd flr):	10'-2"	8'-0"
(3rd flr):	10'-2"	9'-0"
(4th flr):	10'-2"	10'-0"

	PROPOSED	ALLOWED/REQUIRED
(5th flr):	16'-0"	11'-0"
Rear (Basement):	15'-0"	0'-0"
(1st flr):	18'-0" (corner of stair tower)	15'-0"
(2nd flr):	18'-0" (corner of stair tower)	15'-0"
(3rd flr):	18'-0" (corner of stair tower)	20'-0"
(4th flr):	18'-0" (corner of stair tower)	20'-0"
(5th flr):	18'-0" (corner of stair tower) ¹	20'-0"
Lot Coverage:	7030 SF 47%	7553.5 SF 50%
Building Height:	55'-0" to highest point ²	35'-0" 55'-0" (with a CUP)
Off-Street Parking:	35 spaces for residents provided with automated mechanical parking system 2 surface spaces for service vehicles and/or guests 35 total spaces 95% covered	4 1-BR x 1 = 4 spaces 7 2-BR units x 1.5 = 11 spaces 10 3-BR units x 2 = 20 spaces 1 service vehicle space required No guest parking required 36 total spaces 80% must be covered
Front Setback Landscaping:	50% (1180 SF)	50% (1165.5 SF)
Private Open Space:	75 SF – 843 SF/unit	75 SF per unit
Common Open Space: SF Landscaped:	3068 SF 2001 SF (80% of required)	2500 SF 1250 SF (50% of required)

¹ Stair tower required to be adjusted on 5th Floor to meet rear setback requirements, subject to Alternate Means of Protection application to the Fire Division.

² Conditional Use Permit requested for building height exceeding 35'-0" and four stories (55'-0" proposed where 35'-0" is the maximum allowed in the R-3 Zoning District).

Revisions to the Proposed Project: The Planning Commission reviewed the application as an Action Item on July 24, 2017. Eleven members of the public commented on the item (meeting minutes attached). The commission continued the item to allow further analysis of technical matters. Following is a summary of commission direction for follow-up, and responses in the revised submittal:

1. **More information from Caltrans to determine if the driveway and drainage can be allowed.** Caltrans provided a comment letter on March 9, 2017 (attached). The letter did not address the driveway configuration, but requested analysis to address the potential left-turn conflicts from southbound El Camino Real traffic into the project and recommend mitigation where appropriate. An updated queuing analysis was subsequently conducted by Hexagon Transportation Consultants, which determined that the project is expected to generate six inbound trips during the PM peak hour (from either northbound or southbound El Camino Real), with four of the trips being during the “peak 15-minute period” within the PM peak hour. The revised Initial Study concluded that the proposed project would not result in traffic hazards on El Camino Real, based on the findings of the queuing analysis.

The March 9, 2017 Caltrans letter notes that an Encroachment Permit must be issued by Caltrans for any work or traffic control that encroaches onto the State right-of-way. Caltrans will not accept or review an application for an Encroachment Permit until the environmental document has been adopted by the municipality.

2. **Assurance from the geotechnical engineer that the report is current and reflects the most recent modifications to the design.** The geotechnical report has been revised to reflect the most recent modifications to the proposed project. The revised geotechnical report, dated April 7, 2018, is included as Revised Appendix D to the Initial Study.
3. **Further consideration of the traffic flow, including ingress and egress from El Camino Real.** An updated queuing analysis of the most recent revisions to the project was conducted by Hexagon Transportation Consultants, dated February 13, 2018. The analysis is included as Revised Appendix E to the Initial Study. As stated above, the revised Initial Study, based on the queuing analysis, concluded that the proposed project would not result in traffic hazards on El Camino Real.

The queuing analysis included additional recommendations. The following have been incorporated into the suggested Conditions of Approval:

- (a) The site driveway should include signage and/or striping to instruct inbound vehicles where to wait so as not to block vehicles exiting the transfer compartment.
 - (b) Clear signage should be provided at the top of the ramp advising of the parking system’s vehicle size limits and whether visitors are permitted to park in the parking system.
 - (c) The automated parking entrance should include some means to communicate with drivers the expected wait time and any malfunction of the parking system. Residents should be notified that parking and/or stopping is not permitted on El Camino Real.
4. **Assurance that the basement wall will be able to be built, particularly whether there will be tie-backs.** The project has been revised to increase the distance of the underground garage from adjacent property lines. Per the revised Initial Study, the proposed building would be designed and constructed in accordance with the recommendations of the revised geotechnical report, which identifies the specific design features related to geologic and seismic conditions. The basement excavation would be shored using soldier piles and horizontal walers that would be braced by cross lot bracing to avoid the need for tie-backs or underpinning of adjacent structures.

Should the proposed project be approved, it would be subject to further review by the City’s structural engineer and by Public Works/Engineering staff during the building permit application process.

5. **Assurance in the drainage of the garage.** Section 4.17 of the revised Initial Study evaluates potential drainage impacts of the proposed project, including the underground garage. The conclusion is that given the limited increase in impervious surfaces on the site and use of bioretention areas, the project would not result in drainage impacts.
Independent of the project, the Initial Study notes ongoing flooding within the Burlingame/Ralston Creek watershed as a result of undersized drainage facilities. The Initial Study indicates the City has proposed the improvements to remedy these drainage issues, and that the planned improvements have been funded and are currently in the design phase.
6. **Solid balconies on the sides of the building.** The plans have been revised to include solid balcony panels on the sides of the building. The design would incorporate a solid barrier comprised of obscure glass that would be intended to provide privacy between neighbors, be consistent with the overall building design, and allow daylight into the units. The front and rear of the building would retain the open rail design from the previous submittal.

Design Review: The proposed project is subject to Chapter 5 of the Downtown Specific Plan (Design & Character). Section 5.3 (pages 5-17 through 5-21) provides design guidelines specifically for residential areas within the Downtown Specific Plan area. Section 5.4 (pages 5-22 through 5-27) provides more general design guidelines that apply to all areas of the downtown, including residential areas.

Materials proposed for the exterior of the building include stucco, fiber cement lap siding, aluminum and glass railings, and aluminum windows. The overall height of the building is proposed at 51'-0" above average top of curb level to the fifth story roof level and 55'-0" to the top of the elevator tower. 35'-0" is the maximum building height under the base zoning and 55'-0" is the maximum height with a Conditional Use Permit.

The proposed project would require a Conditional Use Permit for building height exceeding 35 feet. Conditional Use Permits are discretionary, subject to Planning Commission review and approval. In order to grant a Conditional Use Permit for building height the Planning Commission must make all of the following findings (Code Section 25.52.020):

- (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.
- (d) removal of any trees located within the footprint of any new structure or addition is necessary and is consistent with the city's reforestation requirements, and the mitigation for the removal that is proposed.

Condominium Development Standards: Condominium projects are subject to development standards outlined in Code Section 26.30 Condominium Subdivisions. Compared to apartment multifamily projects, condominiums are subject to:

- Increased side setbacks (5 feet minimum, 7 feet on lots over 61 feet wide, with an increase of 1 additional foot for each additional story);
- Area for service vehicles to make deliveries;
- Private open space of 75 square feet per unit; and
- Common open space of 100 square feet per unit.

Off-Street Parking: The code requires 35 parking spaces for the residents of the units (1 space for each 1-bedroom unit, 1.5 spaces for each two-bedroom unit, and 2 spaces for each 3-bedroom unit) and an area or space for on-site deliveries, for a total of 36 parking spaces. There is no guest parking required on-site for properties located within the Downtown Specific Plan. The below-grade garage is specified to include a total of 35 parking spaces, provided by way of an automated mechanical parking system accessed through a garage door on the front of the building. Two additional spaces are provided next to the driveway for deliveries and/or guests. The circular driveway would also provide space for short-term deliveries to pull off El Camino Real.

Originally the applicant proposed to use a Parkmatic Multi-Parking system for the automated parking. Since then, the applicant has revised the application to specify a CityLift system. Like the Parkmatic system, the CityLift system has been designed to automatically move the vehicles by lift which then transfers it to a waiting cart on one of the multi- levels. The carts then travel horizontally and place the vehicle in its appropriate slot. It can move more than two vehicles at the same time for maximum efficiency. A technical sheet is attached, and the applicant has provided a link to a website demonstrating how the system operates (<http://cityliftparking.com/solutions/tower-parking-lifts>).

The Municipal Code does not include specifications for automated parking systems, 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 parking lifts. Parking lifts have been approved in two residential projects in Downtown Burlingame (1225 Floribunda Avenue and 1433 Floribunda Avenue), and “puzzle” stackers have been approved in two office buildings (240 Lorton Avenue and 988 Howard Avenue). In March, a fully-mechanized system similar in concept to the proposed project was approved in an office building at 250 California Drive.

The underground garage would extend approximately 30 feet below grade. The applicant has submitted an updated geotechnical investigation to identify general site characteristics. A condition of approval would require that final design shall be prepared by a qualified professional engineer and approved by the Burlingame Department of Public Works prior to receiving a building permit.

Common and Private Open Space: There is a total of 3,068 SF (146 SF/unit) of common open space in the rear yard area proposed for the condominium project where 2,500 SF (100 SF/unit) is required. Of the required common open space, a minimum of 50% must be in soft landscaping. There is 75 SF to 843 SF in private open space per unit (75 SF/unit is the minimum required) provided in balconies and patios.

Landscaping: Proposed landscaping throughout the site is shown on the Landscape Plan (sheet L-2). The applicant is proposing 50% (1,180 SF) landscaping in the front yard where 50% (1,165.5 SF) is the minimum required.

Currently, there are six existing trees on the property ranging from 8- to 10-inches in diameter which would be removed. Additionally, an existing 13-inch diameter tree within the El Camino Real right-of-way is proposed to be removed to accommodate a driveway curb cut. None of the trees proposed meet the definition of a protected-size tree in the Burlingame Urban Reforestation and Tree Protection Ordinance.

In accordance with the City's requirements, each lot developed with a multifamily residential use is required to provide a minimum of one 24-inch box-size minimum non-fruit trees for every 2,000 SF of lot coverage. Based on the proposed project (lot coverage 7,030 SF), a total of four landscape trees are required on site. The proposed landscape plan for the project complies with the on-site reforestation requirements. There will be a total of six new trees on site, including one Crepe-myrtle (*Lagerstromia indica*), two Forest pansies (*Cercis Canadensis*), and three Cherry plumbs (*Prunus cerasifera*). All will be required to be 24-inch box-size or larger.

One Eucalyptus tree is proposed to be removed on El Camino Real, within the Caltrans right-of-way. The tree is part of the Howard-Ralston Eucalyptus Tree Row, which is a State-owned historical resource listed on the National Register of Historic Places. One new Elm street tree (*Ulmus accolade*) will be required to be planted on El Camino Real as part of the project, which is in keeping with Caltrans current replacement program for trees along this corridor. The applicant will be responsible for obtaining a permit from Caltrans for removal and replacement of the tree.

Inclusionary Zoning: At the time of application the project was subject to Inclusionary Zoning regulations which required that affordable units be included with any residential projects with four or more units. However in January 2015 the Inclusionary Ordinance was replaced with an optional Density Bonus Ordinance (Code Section 25.63). Under the Density Bonus Ordinance a project is not required to provide affordable units unless it is requesting certain development incentives or concessions outlined in the regulations. The proposed project is not requesting development incentives or concessions associated with the Density Bonus Ordinance, therefore is not obligated to provide affordable units.

The request for a Conditional Use Permit for building height is a separate request, distinct from the incentives offered provided in the Density Bonus Ordinance. The request for a Conditional Use Permit is a discretionary permit subject to Planning Commission review and approval based on findings in Code Section 25.52.020).

Conditional Use Permit Request for Height: The R-3 District regulations state that no building shall exceed a height of four stories or 55-feet. A conditional use permit is required for any building that exceeds thirty-five (35) feet in height or four stories. The proposed height, measured to the top of the parapet, will be 55'-0" (from average top of curb). In order to grant approval of a Conditional Use Permit the following findings must be made by the Planning Commission:

- (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.

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

Based on the proposed 21-unit multiple family residential development and providing a credit for the existing 14 units which will be replaced, the required public facilities impact fee for this development project is for a net increase of 7 units in the amount of \$38,759 (see table below). One-half of the public facilities impact fees payment (\$19,379.50) will be required prior to issuance of a building permit; and the second half of the payment will be required before the final framing inspection.

Service Area	Proposed Multifamily Project 21 New Units – 14 Existing Units = 7 Net New Units (fee calculated per dwelling unit)
General Facilities & Equipment	\$1636 x 7 = \$11,452
Libraries	\$1415 x 7 = \$ 9,905
Police	\$259 x 7 = \$ 1,813
Parks and Recreation	\$350 x 7 = \$ 2,450
Streets and Traffic	\$1105 x 7 = \$ 7,735
Fire	\$381 x 7 = \$ 2,667
Storm Drainage	\$391 x 7 = \$ 2,737
Total	\$38,759

Mitigated Negative Declaration: Since the project includes construction of more than four units (21 units proposed), the project is subject to the requirements of the California Environmental Quality Act (CEQA). The Planning Commission held environmental scoping sessions along with a design review study meeting for this project on February 24, 2014 and January 25, 2016. An Initial Study was prepared by David J. Powers & Associates, Inc. The Mitigated Negative Declaration (MND) was circulated for public review on February 3, 2017. The 30-day review period ended on March 6, 2017.

On March 9, 2017, the Department of Transportation (Caltrans) submitted a comment letter specifying additional analysis to be conducted for environmental review with regards to cultural resources. In particular, Caltrans requested that the Initial Study prepared for the environmental review include a discussion of the Howard-Ralston Eucalyptus Tree Row, which is listed on the National Register of Historic Places and which the project site is adjacent, as well as an updated Sacred Lands file search and Native American consultation. The Initial Study revised accordingly, with the revised Initial Study and Mitigated Negative Declaration reviewed by the Planning Commission on July 24, 2017.

The Initial Study was revised a second time to reflect the modified garage layout, updated traffic queuing analysis and revised geotechnical report. The revised Initial Study, dated May 2018, is attached to this report.

Based on the revised Initial Study, an MND has been prepared for review by the Planning Commission. As presented the MND identified issues that were "less than significant with mitigation incorporated" in the areas of air quality, biological resources, cultural resources, geology/soils, hydrology/water quality, and noise/vibration. Based upon the mitigation measures identified in the Initial Study, it has been determined that the proposed project can be addressed by a Mitigated Negative Declaration since the Initial Study did not identify adverse impacts which could not be reduced to acceptable levels by mitigation (please refer to the attached Initial Study/Mitigated Negative Declaration No. 597-P).

The purpose of the present review is to hold a public hearing and evaluate that this conclusion, based on the revised Initial Study, facts in the Mitigated Negative Declaration, public comments and testimony received at the hearing, and Planning Commission observation and experience, are consistent with the finding of no significant environmental impact. The mitigation measures in the Initial Study have been incorporated into the recommended conditions of approval (see conditions in *italics*) and a Mitigation Monitoring and Reporting Program is also included as an attachment.

A summary of the mitigation measures is included in the table below.

Summary of Project Impacts and Mitigation Measures		
Environmental Factor	Mitigation Measures	Level of Environmental Impact
Air Quality	<p>Mitigation Measure AQ – 1.1: During any construction period which causes ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less than significant level. The contractor shall implement the following best management practices that are required of all projects:</p> <ul style="list-style-type: none"> ■ All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. ■ All haul trucks transporting soil, sand, or other loose material off-site 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 is prohibited. ■ All vehicle speeds on unpaved roads shall be limited to 15 mph. ■ All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. ■ Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). 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. ■ 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. 	Less than Significant with Mitigation Incorporated
Air Quality	<p>Mitigation Measure AQ – 2.1: The project shall develop a plan demonstrating that the off-road equipment used on-site to construct the project would achieve a fleet-wide average 96 percent reduction in PM_{2.5} exhaust emissions. One feasible plan to achieve this reduction would include the following:</p> <ul style="list-style-type: none"> ■ All mobile diesel-powered off-road equipment larger than 50 horsepower and operating on the site for more than two days continuously shall meet, at a minimum, U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent. The use of equipment that includes CARB-certified Level 3 Diesel Particulate Filters or alternatively-fueled equipment (i.e., non-diesel) would meet this requirement. Other measures may be the use of added exhaust devices, or a combination of measures, provided that these measures are approved by the City 	Less than Significant with Mitigation Incorporated

Summary of Project Impacts and Mitigation Measures		
Environmental Factor	Mitigation Measures	Level of Environmental Impact
	and demonstrated to reduce community risk impacts to less than significant (<10.0 in one million increased cancer risk).	
Biology	<p>Mitigation Measure BIO – 1.1: In order to protect nesting birds on and adjacent to the project site the following measures will be implemented:</p> <ul style="list-style-type: none"> Pre-construction nesting bird surveys shall be completed prior to tree removal if removal or construction is proposed to commence during the breeding season (February 1 to August 31) in order to avoid impacts to nesting birds. Surveys shall be completed by a qualified biologist no more than 7 days before construction begins. During this survey, the biologist or ornithologist shall inspect all trees and other possible nesting habitats in and within 250 feet of the project boundary. If an active nest is found in an area that would be disturbed by construction, the ornithologist shall designate an adequate buffer zone (~250 feet) to be established around the nest, in consultation with the California Department of Fish and Wildlife (CDFW). The buffer would ensure that nests shall not be disturbed until the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts. The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Community Development, prior to the issuance of a grading permit or demolition permit. 	Less than Significant with Mitigation Incorporated
Biology	<p>Mitigation Measure BIO – 2.1: In order to protect the retained trees on and/or adjacent to the site, the following measures should be implemented:</p> <ul style="list-style-type: none"> Tree protection zones shall be established and maintained throughout the entire length of the project. Fencing for the protection zones shall be a six-foot tall metal chain link type supported by two-inch metal poles pounded into the ground by no less than two feet. The support poles shall be spaced no more than 10 feet apart on center. The location for the protection fencing shall be as close to the dripline as possible but still allow room for construction to safely continue. Signs shall be placed on fencing signifying "Tree Protection Zone - Keep Out". No materials or equipment shall be stored or cleaned inside the tree protection zones. Areas outside the fencing but still beneath the drip line of protected trees, where foot traffic is expected to be heavy, shall be mulched with four to six inches of chipper chips. Trenching for irrigation, electrical, drainage or any other reason shall be hand dug when beneath the driplines of protected trees. Hand digging and carefully laying pipes below or beside protected roots will dramatically reduce root loss of desired trees thus reducing trauma to the entire tree. Trenches shall be backfilled as soon as possible with native material and compacted to near its original level. Trenches that must be left exposed for a period of time shall also be covered with layers of burlap or straw wattle and kept moist. Plywood over the top of the trench will also help protect exposed roots below. Normal irrigation shall be maintained throughout the entire length of the project. The imported trees on this site will require irrigation during the warm season 	Less than Significant with Mitigation Incorporated

Summary of Project Impacts and Mitigation Measures		
Environmental Factor	Mitigation Measures	Level of Environmental Impact
	months. Some irrigation may be required during the winter months depending on the seasonal rainfall. During the summer months the trees on this site shall receive heavy flood type irrigation twice a month. During the fall and winter, once a month should suffice. Mulching the root zone of protected trees will help the soil retain moisture, thus reducing water consumption	
Cultural Resources	Mitigation Measure CUL – 1.1: <i>Unique Paleontological and/or Geologic Features and Reporting.</i> Should a unique paleontological resource or site or unique geological feature be identified at the project site during any phase of construction, all ground disturbing activities within 25 feet shall cease and the Community Development Director notified immediately. A qualified paleontologist shall evaluate the find and prescribe mitigation measures to reduce impacts to a less than significant level. The identified mitigation measures shall be implemented. Work may proceed on other parts of the project site while mitigation for paleontological resources or geologic features is carried out. Upon completion of the paleontological assessment, a report shall be submitted to the City and, if paleontological materials are recovered, a paleontological repository, such as the University of California Museum of Paleontology.	Less than Significant with Mitigation Incorporated
Cultural Resources	Mitigation Measure CUL – 1.2: <i>Cultural Sensitivity Training.</i> Prior to any ground-disturbing construction activity on the site, cultural resource sensitivity training for construction personnel on the project shall be completed by a qualified archaeologist. The training shall outline potential indicators of archaeological materials and artifacts to be aware of during grading and excavation activity on the site.	Less than Significant with Mitigation Incorporated
Cultural Resources	Mitigation Measure CUL – 1.3: <i>Undiscovered Archaeological Resources.</i> If evidence of an archaeological site or other suspected cultural resource as defined by CEQA Guideline 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 Community Development Director shall be notified. The project sponsor shall hire a qualified archaeologist to conduct a field investigation. The Community Development Director shall consult with the archaeologist to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by a qualified archaeologist and that are consistent with the Secretary of the Interior’s Standards for Archaeological documentation. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-J) form and filed with the NWIC.	Less than Significant with Mitigation Incorporated
Cultural Resources	Mitigation Measure CUL – 1.4: <i>Human Remains.</i> 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 Community Development Director 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	Less than Significant with Mitigation Incorporated

Summary of Project Impacts and Mitigation Measures		
Environmental Factor	Mitigation Measures	Level of Environmental Impact
	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.	
Cultural Resources	Mitigation Measure CUL – 1.5: Report of Archaeological Resources. If archaeological resources are identified, a final report summarizing the discovery of cultural materials shall be submitted to the City's Planning Manager 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.	
Geology and Soils	Mitigation Measure GEO – 1.1: For development under the Downtown Specific Plan, projects with subgrade structures require that the project sponsor prepare a Geotechnical Study identifying the depth to the seasonal high water table at the project site. No permanent groundwater dewatering would be allowed in the Downtown Specific Plan Area. 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 a geotechnical engineer. Final design shall be prepared by a qualified professional engineer and approved by the Burlingame Department of Public Works prior to receiving a building permit.	Less than Significant with Mitigation Incorporated
Noise and Vibration	Mitigation Measure NV – 1.1: The Project applicant shall incorporate the following practices into the construction documents to be implemented by the project contractor: <ul style="list-style-type: none"> ■ Maximize the physical separation between noise generators and noise receptors. Such separation includes, but is not limited to, the following measures: <ul style="list-style-type: none"> - 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; - Minimize backing movements of equipment; 	Less than Significant with Mitigation Incorporated

Summary of Project Impacts and Mitigation Measures		
Environmental Factor	Mitigation Measures	Level of Environmental Impact
	<ul style="list-style-type: none"> ■ Use quiet construction equipment whenever possible; ■ Impact equipment (e.g., jackhammers 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; ■ Prohibit unnecessary idling of internal combustion engines; and ■ Select routes for movement of construction-related vehicles and equipment in conjunction with the Burlingame Community Development Department so that noise-sensitive areas, including residences and schools, are avoided as much as possible. ■ The project sponsor shall designate a “disturbance coordinator” for construction activities. The coordinator would be responsible for responding to any local complaints regarding construction noise and vibration. The coordinator would determine the cause of the noise or vibration complaint and would implement reasonable measures to correct the problem. ■ The construction contractor shall send advance notice to neighborhood residents within 50 feet of the project site regarding the construction schedule and including the telephone number for the disturbance coordinator at the construction site. 	

Staff Comments: See attached comments from the Chief Building Official, City Engineer, Fire Marshal, City Arborist and Stormwater Coordinator.

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

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

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

Findings for Multiple- Family Residential Design Review: The criteria for multiple family residential design review is detailed in Code Section 25.57.030(f) and requires the proposed project to be reviewed by the Planning Commission for the following considerations:

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

In addition, the Planning Commission should look at conformity with Chapter 5 of the Downtown Specific Plan (Design & Character); specifically Section 5.3 (pages 5-17 through 5-21) provides design guidelines for residential areas within the Downtown Specific Plan area. Section 5.4 (pages 5-22 through 5-27) provides more general design guidelines that apply to all areas of the downtown, including residential areas.

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.

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

- (a) Mitigated Negative Declaration.
- (b) Design Review, Condominium Permit and Conditional Use Permit.
- (c) Tentative Condominium Map and Tentative and Final Parcel Map for Lot Merger.

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

1. that the project shall be built as shown on the plans submitted to the Planning Division date stamped January 19, 2018, sheets A-0.0 through A-4.2 and L-1; and Boundary and Topographic Survey dated May 15, 2013;
2. 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;
3. that prior to issuance of a building permit for the project, the applicant shall pay the first half of the Public Facilities Impact fee in the amount of \$19,379.50, made payable to the City of Burlingame and submitted to the Planning Department;
4. that prior to scheduling the final framing inspection for the condominium building, the applicant shall pay the second half of the Public Facilities Impact fee in the amount of \$19,379.50, made payable to the City of Burlingame and submitted to the Planning Department;
5. that a Protected Tree Removal Permit shall be required from the Parks Division for removal of any tree on the property with a circumference of 48 inches or larger when measured fifty-four (54) inches above natural grade;
6. that this proposal shall comply with all the requirements of the Tree Protection and Reforestation Ordinance adopted by the City of Burlingame in 1993 and enforced by the Parks Department; complete landscape and irrigation plans shall be submitted at the time of building permit application;
7. that the applicant shall be responsible for obtaining from Caltrans a tree removal permit for the proposed removal of the Eucalyptus tree on El Camino Real that is within the Caltrans right-of-way, and that the replacement tree shall be an Elm street tree (*Ulmus accolade*) consistent with the Caltrans replacement program specifications for trees along this corridor;
8. that tree protection measures shall be established and maintained throughout the entire length of the project as specified in the Tree Protection Plan in Kielty Arborists Services LLC tree report dated in the June 27, 2016;
9. that the maximum elevation at the top of the roof ridge shall not exceed elevation 156.00' as measured from the average elevation at the top of the curb along El Camino Real (100.91') for a maximum height of 55'-0", and that the top of each floor and final roof ridge shall be surveyed and approved by the City Engineer as the framing proceeds and prior to final framing and roofing inspections. The garage (basement) floor finished floor elevation shall be elevation 75.5'; first (ground) floor finished floor shall be elevation 104.5'; top of fifth floor roof shall be elevation 152.00'. 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;
10. 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;
11. that the conditions of the Building Division memos dated October 16, 2015 and July 17, 2015; the Parks Division memos dated November 7, 2016 and April 30, 2015; the Engineering Division memo dated May 8, 2015; the Fire Division memos dated December 16, 2015, November 3, 2015, and November 1, 2013; and the Stormwater Division memo dated April 19, 2015 shall be met;

12. that storage of construction materials and equipment on the street or in the public right-of-way shall be prohibited;
13. that the 'service vehicle stall' shall be marked on the service parking space and designated on the final map and plans, this stall shall not be assigned to any unit, but shall be owned and maintained by the condominium association, and the service vehicle stall shall always be accessible for parking and not be separately enclosed or used for resident storage;
14. that the site driveway should include signage and/or striping to instruct inbound vehicles where to wait so as not to block vehicles exiting the transfer compartment;
15. that clear signage should be provided at the top of the driveway ramp advising of the applicable size parking system vehicle size limits and whether visitors are permitted to park in the parking system;
16. that the automated parking entrance shall include means to communicate with drivers the expected wait time, and any malfunction of the parking system;
17. that the Covenants Conditions and Restrictions (CC&Rs) for the condominium project shall require that the service vehicle stall shall be reserved for service vehicles or guests only and shall not be used by condominium residents, and that parking and/or stopping is not permitted on El Camino Real;
18. that the final inspection shall be completed and a certificate of occupancy issued before the close of escrow on the sale of each unit;
19. 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;
20. that the trash receptacles, furnaces, and water heaters shall be shown in a legal compartment outside the required parking and landscaping and in conformance with zoning and California Building and Fire Code requirements before a building permit is issued;
21. that prior to underfloor frame inspection the surveyor shall certify the first floor elevation of the new structure(s) and the various surveys shall be accepted by the City Engineer;
22. that all runoff created during construction and future discharge from the site shall be required to meet National Pollution Discharge Elimination System (NPDES) standards;
23. 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;
24. that methods and procedures such as sediment basins or traps, silt fences, straw bale dikes, storm drain inlet protection such as soil blanket or mats, and covers for soil stock piles to stabilize denuded

areas shall be installed to maintain temporary erosion controls and sediment control continuously until permanent erosion controls have been established;

25. 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;
26. that if construction is done during the wet season (October 15 through April 15), that prior to October 15 the developer shall implement a winterization program to minimize the potential for erosion and polluted runoff by inspecting, maintaining and cleaning all soil erosion and sediment control prior to, during, and immediately after each storm 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;
27. that common landscape areas shall be designed to reduce excess irrigation run-off, promote surface filtration and minimize the use of fertilizers, herbicides and pesticides;
28. 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;
29. that this project shall comply with Ordinance 1845, the City of Burlingame Water Conservation in Landscaping Regulations, and complete landscape and irrigation plans shall be provided at the time of building permit application;
30. 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;
31. that all new utility connections to serve the site, and which are affected by the development, shall be installed to meet current code standards and local capacities of the collection and distribution systems shall be increased at the developer's expense if necessary;
32. that all utilities to this site shall be installed underground. Any transformers needed for this site shall be installed underground or behind the front setback on this site;
33. that sewer laterals from the site to the public sewer main shall be checked and shall be replaced to city standards as required by the development;
34. that all abandoned utilities and hookups shall be removed;
35. that all drainage (including water from the below grade parking garage) on site shall be required to be collected and pumped to the street as determined by the Public Works Department;
36. that demolition of the existing structures and any grading or earth moving on the site shall be required to comply with all the regulations of the Bay Area Air Quality Management District;
37. that the applicant shall install fire sprinklers and a fire alarm system monitored by an approved central station prior to the final inspection for building permit;
38. that all construction shall abide by the construction hours established in the Municipal Code;

39. that the applicant shall comply with Ordinance 1645, the City of Burlingame Recycling and Waste Reduction Ordinance, and shall submit a waste reduction plan and recycling deposit for demolition and new construction, before receiving a demolition permit;
40. that this project shall comply with Ordinance No. 1477, Exterior Illumination Ordinance; and
41. that the project shall be required to comply with all the standards of the California Building and Fire Codes, in effect at time of building permit issuance, as amended by the City of Burlingame.

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

42. that prior to scheduling the foundation inspection a licensed surveyor shall locate the property corners, set the building envelope;
43. that prior to scheduling the framing inspection, the project architect, engineer or other licensed professional shall provide architectural certification that the architectural details such as window locations and bays are built as shown on the approved plans; if there is no licensed professional involved in the project, the property owner or contractor shall provide the certification under penalty of perjury. Certifications shall be submitted to the Building Department;
44. 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;
45. that prior to final inspection, Planning Division staff will inspect and note compliance of the architectural details (trim materials, window type, etc.) to verify that the project has been built according to the approved Planning and Building plans;

Mitigation Measures from Initial Study

46. *During any construction period which causes ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less than significant level. The contractor shall implement the following best management practices that are required of all projects:*
 - *All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.*
 - *All haul trucks transporting soil, sand, or other loose material off-site 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 is prohibited.*
 - *All vehicle speeds on unpaved roads shall be limited to 15 mph.*
 - *All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.*
 - *Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). 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.*
 - *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.*
47. *The project shall develop a plan demonstrating that the off-road equipment used on-site to construct the project would achieve a fleet-wide average 96 percent reduction in PM_{2.5} exhaust emissions. One feasible plan to achieve this reduction would include the following:*
- *All mobile diesel-powered off-road equipment larger than 50 horsepower and operating on the site for more than two days continuously shall meet, at a minimum, U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent. The use of equipment that includes CARB-certified Level 3 Diesel Particulate Filters or alternatively-fueled equipment (i.e., non-diesel) would meet this requirement. Other measures may be the use of added exhaust devices, or a combination of measures, provided that these measures are approved by the City and demonstrated to reduce community risk impacts to less than significant (<10.0 in one million increased cancer risk).*
48. *In order to protect nesting birds on and adjacent to the project site the following measures will be implemented:*
- *Pre-construction nesting bird surveys shall be completed prior to tree removal if removal or construction is proposed to commence during the breeding season (February 1 to August 31) in order to avoid impacts to nesting birds. Surveys shall be completed by a qualified biologist no more than 7 days before construction begins. During this survey, the biologist or ornithologist shall inspect all trees and other possible nesting habitats in and within 250 feet of the project boundary.*
 - *If an active nest is found in an area that would be disturbed by construction, the ornithologist shall designate an adequate buffer zone (~250 feet) to be established around the nest, in consultation with the California Department of Fish and Wildlife (CDFW). The buffer would ensure that nests shall not be disturbed until the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts.*
 - *The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Community Development, prior to the issuance of a grading permit or demolition permit.*
49. *In order to protect the retained trees on and/or adjacent to the site, the following measures should be implemented:*
- *Tree protection zones shall be established and maintained throughout the entire length of the project. Fencing for the protection zones shall be a six-foot tall metal chain link type supported by two-inch metal poles pounded into the ground by no less than two feet. The support poles shall be spaced no more than 10 feet apart on center. The location for the protection fencing shall be as close to the dripline as possible but still*

allow room for construction to safely continue. Signs shall be placed on fencing signifying "Tree Protection Zone - Keep Out". No materials or equipment shall be stored or cleaned inside the tree protection zones. Areas outside the fencing but still beneath the drip line of protected trees, where foot traffic is expected to be heavy, shall be mulched with four to six inches of chipper chips.

- Trenching for irrigation, electrical, drainage or any other reason shall be hand dug when beneath the driplines of protected trees. Hand digging and carefully laying pipes below or beside protected roots will dramatically reduce root loss of desired trees thus reducing trauma to the entire tree. Trenches shall be backfilled as soon as possible with native material and compacted to near its original level. Trenches that must be left exposed for a period of time shall also be covered with layers of burlap or straw wattle and kept moist. Plywood over the top of the trench will also help protect exposed roots below.
- Normal irrigation shall be maintained throughout the entire length of the project. The imported trees on this site will require irrigation during the warm season months. Some irrigation may be required during the winter months depending on the seasonal rainfall. During the summer months the trees on this site shall receive heavy flood type irrigation twice a month. During the fall and winter, once a month should suffice. Mulching the root zone of protected trees will help the soil retain moisture, thus reducing water consumption.

50. *Unique Paleontological and/or Geologic Features and Reporting.* Should a unique paleontological resource or site or unique geological feature be identified at the project site during any phase of construction, all ground disturbing activities within 25 feet shall cease and the Community Development Director notified immediately. A qualified paleontologist shall evaluate the find and prescribe mitigation measures to reduce impacts to a less than significant level. The identified mitigation measures shall be implemented. Work may proceed on other parts of the project site while mitigation for paleontological resources or geologic features is carried out. Upon completion of the paleontological assessment, a report shall be submitted to the City and, if paleontological materials are recovered, a paleontological repository, such as the University of California Museum of Paleontology.
51. *Cultural Sensitivity Training.* Prior to any ground-disturbing construction activity on the site, cultural resource sensitivity training for construction personnel on the project shall be completed by a qualified archaeologist. The training shall outline potential indicators of archaeological materials and artifacts to be aware of during grading and excavation activity on the site.
52. *Undiscovered Archaeological Resources.* If evidence of an archaeological site or other suspected cultural resource as defined by CEQA Guideline 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 Community Development Director shall be notified. The project sponsor shall hire a qualified archaeologist to conduct a field investigation. The Community Development Director shall consult with the archaeologist to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by a qualified archaeologist and that are consistent with the Secretary of the Interior's Standards for Archaeological documentation. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-J) form and filed with the NWIC.

53. *Human Remains.* 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 Community Development Director 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.
54. *Report of Archaeological Resources.* If archaeological resources are identified, a final report summarizing the discovery of cultural materials shall be submitted to the City's Planning Manager 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.
55. *For development under the Downtown Specific Plan,* projects with subgrade structures require that the project sponsor prepare a Geotechnical Study identifying the depth to the seasonal high water table at the project site. No permanent groundwater dewatering would be allowed in the Downtown Specific Plan Area. 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 a geotechnical engineer. Final design shall be prepared by a qualified professional engineer and approved by the Burlingame Department of Public Works prior to receiving a building permit.
56. *The Project applicant shall incorporate the following practices into the construction documents to be implemented by the project contractor:*
- *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;*
 - *Minimize backing movements of equipment;*
 - *Use quiet construction equipment whenever possible;*
 - *Impact equipment (e.g., jackhammers 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;*
 - *Prohibit unnecessary idling of internal combustion engines; and*

- *Select routes for movement of construction-related vehicles and equipment in conjunction with the Burlingame Community Development Department so that noise-sensitive areas, including residences and schools, are avoided as much as possible.*
- *The project sponsor shall designate a “disturbance coordinator” for construction activities. The coordinator would be responsible for responding to any local complaints regarding construction noise and vibration. The coordinator would determine the cause of the noise or vibration complaint and would implement reasonable measures to correct the problem.*
- *The construction contractor shall send advance notice to neighborhood residents within 50 feet of the project site regarding the construction schedule and including the telephone number for the disturbance coordinator at the construction site.*

Kevin Gardiner
Planning Manager

Attachments:

- July 24, 2017 Planning Commission meeting minutes
- Application to the Planning Commission
- CityLift Technical Specifications Sheet
- Staff Comments
- California Department of Transportation correspondence letter, dated March 9, 2017
- Responses to Comments from the California Department of Transportation, dated March 9, 2017
- Mitigation Monitoring and Reporting Program, dated May 2018
- Planning Commission Resolutions (Proposed)
- Notice of Public Hearing – Mailed May 18, 2018
- Aerial Photo

Separate Attachment:

- Revised Mitigated Negative Declaration and Initial Study (ND-597-P), dated May, 2018