

Item No. 8b
Regular Action Item



PROJECT LOCATION
21 Park Road

City of Burlingame

Design Review, Condominium Permit and Tentative Condominium Map

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Address: 21 Park Road

Meeting Date: May 29, 2018

Request: Application for Design Review, Condominium Permit and Tentative Condominium Map for a new three-story, seven-unit residential condominium building.

Applicant: Levy Design Partners

APN: 026-233-130

Property Owner: GGH Investment LLC

Lot Area: 8,800 SF

General Plan: Medium High Density Residential
Burlingame Downtown Specific Plan (Bayswater Mixed Use District)

Zoning: BMU

Adjacent Development: Multi-family and single-family dwellings, offices, commercial

Current Use: Single family dwelling and detached garage

Proposed Use: Seven-unit residential condominium building

Allowable Use: Multi-family dwellings, services, offices, civic/cultural

Environmental Review Status: The project is Categorically Exempt from review pursuant to the California Environmental Quality Act (CEQA), per Section 15332, In-Fill Development Projects, which consists of projects characterized as in-fill development meeting the conditions described below (see pages 7-9 for additional information).

- (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.

History: In 2013 and 2014, the Planning Commission reviewed an application for a new, three-story, eight-unit residential condominium building proposed by a different property owner and architect. Issues raised by the commissioners and neighbors at that time included side setbacks, design of side elevations, sun access and shading, and quantity of parking provided. Since that time, the property was sold to the current owner and the applicant was withdrawn.

The current property owner engaged Levy Design Partners to design the currently proposed seven-unit residential condominium. Since the previous application was withdrawn and the proposed project is substantially different in design and configuration, it is considered to be a new application.

October 23, 2017 Design Review Study Meeting: At the October 23, 2017, Planning Commission design review study meeting, the Commission had several questions and suggestions regarding this project (see attached October 23, 2017 Planning Commission Minutes). The architect submitted a response letter and revised plans dated April 30, 2018 to address the Commission's comments. Listed below are the Commission's comments and responses by the applicant.

1. ***Would like the design softened a bit more on the front, in particular, perhaps add more wood.***
 - The architect notes that all of the balconies contain 2x wood guardrails. The renderings have been updated to correctly show wood guardrails (previously shown as white cement plaster). See revised Exterior Renderings, sheet A3.0.

The architect also revised the material of the exposed portions of the fencing along the south property line (to a point located 48'-0" back from the property line along Park Road) from wood to metal grid fencing with vegetation (vines). See revised Landscape Plan and Exterior Renderings, sheets L1.1 and A3.0, respectively.

2. *Reach out the neighbors to see if there is something to address their concerns about the trees. Look at additional screening on the neighbors' side either on-site or on their property.*

- The architect's letter notes that discussions were held with the adjacent residents regarding the potential loss of privacy due to the removal of the existing vegetation between 21 and 33 Park Road. The applicant has agreed to plant evergreen hedges on the 33 Park Road side of the property to mitigate the potential loss of privacy. The revised Landscape Plan conceptually show where the evergreen hedges would be planted. However, the applicant notes that some residents may not want hedges planted in front of their yards or balconies. Therefore, the final layout and plant locations will be determined at time of construction. See condition of approval #2.

Project Summary: The applicant is proposing a new, three-story, seven-unit residential condominium building with enclosed at-grade parking garages at 21 Park Road, zoned BMU. Multifamily residential uses, with an average maximum unit size of 1,250 SF, are permitted in the BMU District (1,239 SF average unit size proposed).

The project site currently contains a single family dwelling and a large detached garage. These would be demolished to build the proposed seven-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 multifamily building to the north, a one-story office building to the south, two-story office buildings across Park Road to the east, and three-story multifamily buildings across El Camino Real to the west. It is a "through lot" with frontages on both Park Road and El Camino Real. For the proposed project, the Park Road frontage is considered the front of the lot.

The subject property is zoned BMU and has a General Plan land use designation of Medium-High Density residential with 21-50 dwelling units per acre, which allows up to 10 units. The application is for seven units which is a density of 35 dwelling units per acre.

The proposed building would contain seven residential units in two floors above enclosed at-grade parking garages for each unit. Each of the units will contain an entry, living and dining areas, kitchen, two bedrooms, bathrooms and a space for a washer/dryer. The average unit size proposed is 1,239 SF (1,250 SF average maximum unit size permitted). Bicycle racks are provided in each of the garages. A trash enclosure is provided towards the rear of the lot.

The following applications are required for the proposed project:

- Design Review for the proposed construction of a new three-story, seven-unit residential condominium building (C.S. 25.35.045 and 25.57.010, and Chapter 5 of the Downtown Specific Plan);
- Condominium Permit for construction of new seven-unit residential condominium building (C.S. 26.30.020); and
- Tentative Condominium Map.

Design Review: The proposed project is subject to Chapter 5 of the Downtown Specific Plan (Design & Character). Section 5.3 (pages 5-17 through 5-21) provides design guidelines specifically for residential projects 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 and mixed use areas. The relevant pages of the plan have been included as an attachment for convenience of commissioners.

Materials proposed for the exterior of the building include a combination of cement plaster, lap siding, fiber cement panels, metal panel awnings and wood guardrails at the balconies. Composite wood windows, painted wood entry doors, and metal sectional garage doors would be used throughout the building. The overall height of the building is proposed at 35'-0" above average top of curb level where 55'-0" is the maximum allowed (Conditional Use Permit required if building height exceeds 35'-0"). On sheet A3.0, two visual simulations are provided looking north and south along Park Road.

Off-Street Parking: Required off-street parking is based on the number of bedrooms in each unit. For this project, Code Section 25.70.032 (b) requires that a total of 11 parking spaces be provided for the residents of the units (1.5 spaces for each two-bedroom unit). There is no guest parking required on-site for properties located within the Downtown Specific Plan.

Each unit contains a private enclosed garage and is fitted with a car stacker to allow two vehicles to be parked in each garage, so that a total of 14 spaces are provided on-site. Access to the garages would be from Park Road. There would be no vehicle access from El Camino Real.

As noted above, each garage will contain a car stacker. The car stacker system to be installed is a Klaus SingleVario 2061 (see attached specifications) and is able to accommodate passenger cars and medium size vans and SUVs. The Municipal Code does not include specifications for parking lift systems, so the City currently does not have a standard mechanism for review and approval. However, as a policy the Downtown Specific Plan encourages "creative approaches" to providing on-site parking including car stackers. The car stackers could be considered "creative approaches" to providing the required on-site parking, and therefore be consistent with the Downtown Specific Plan. To date, the City has approved several commercial and residential projects with parking lift systems.

The code requires that the condominium development provide an area for deliveries. The code does not specify that it be a dedicated parking space, only that it be "an area for on-site deliveries." The project proposes a loading/delivery space located adjacent to the trash enclosure area that could be used for short-term delivery or service vehicle parking.

Common and Private Open Space: There is a total of 1,160 SF (165.7 SF/unit) of common open space proposed for the condominium project where 700 SF (100 SF/unit) is required. The common open space is provided at the rear of the lot (along El Camino Real). Of the required common open space, a minimum of 50% must be in soft landscaping (350 SF); 952 SF of the provided common open space is proposed to be landscaped and therefore is in compliance. There is 76 SF to 85 SF in private open space per unit (75 SF/unit is the minimum required) provided in balconies.

Landscaping: Proposed landscaping throughout the site is shown on the Landscape Plan (sheet L1.1). The applicant is proposing 60% (300 SF) landscaping within the required front setback where 10% (50 SF) is the minimum required. The project meets all other zoning code and condominium permit requirements.

Existing landscaping consists of hedges along the sides of the property and a large shrub at the front. The applicant is proposing to replace all of the existing landscaping with new landscaping, which includes four, 36-inch box threes, shrubs, and small decorative plants throughout the site.

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 2000 SF of lot coverage. Based on the proposed project, a total of three landscape trees are required on site. The City Arborist has required that a 24-inch box landscape tree (London Plane) be added to the planter strip on Park Road. There will be a total of four, 36-inch box trees on site, as well as a street tree in the Park Road planter strip, for a total of four new trees.

There are two existing 60-inch Eucalyptus trees within the El Camino Real right of way, adjacent to the property. Both trees would be retained.

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.

21 Park Road

Lot Area: 8,800 SF

Plans date stamped: April 30, 2018

	PROPOSED	ALLOWED/REQUIRED
Front (Park Rd) (1st flr): (2nd flr): (3rd flr):	10'-0" (all floors)	10'-0"
Left Side (1st flr): (2nd flr): (3rd flr):	5'-0" 6'-0" 7'-0"	no minimum required
Right Side (1st flr): (2nd flr): (3rd flr):	14'-6" 7'-1" to wing wall/8'-4" to building 7'-1" to wing wall/8'-4" to building	5'-0" * 6'-0" * 7'-0" *
Rear (El Camino) (1st flr): (2nd flr): (3rd flr):	20'-0" 20'-0" 21'-0"	20'-0" 20'-0" 20'-0"
Lot Coverage:	5,066 SF 57.1%	6,644 SF 75%
Building Height:	35'-0"	55'-0" maximum/ CUP required to exceed 35'-0"

* R-3 side setback standards (Section 25.28.075) shall apply to property line(s) with an existing residential use on the abutting property. In this case, the R-3 side setback standards apply along the right side property line since an existing multifamily residential use abuts this property line. In addition, the minimum side setback for condominium developments shall be five (5) feet (Code Section 25.28.075 (d)). In addition, the minimum side setback for a structure shall be increased by one foot for each story above the first story (Code Section 25.28.075 (e)).

21 Park Road

Lot Area: 8,800 SF

Plans date stamped: April 30, 2018

	PROPOSED	ALLOWED/REQUIRED
Front Setback Landscaping:	60% 300 SF	10% 50 SF
Private Open Space:	76 SF – 85 SF/unit	75 SF per unit
Common Open Space: SF Landscaped:	1,160 SF 952 SF (100% of required)	700 SF 350 SF (50% of required)
Off-Street Parking:	14 spaces for residents (provided in car stackers) Area for on-site deliveries near trash enclosure	7, 2 bdrm units x 1.5 = 11 spaces Area for on-site deliveries required
Driveway Width:	100% covered 12'-0"	80% must be covered 12'-0" for less than 30 vehicles

Staff Comments: None.

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 a 7-unit residential condominium project and providing a credit for the existing single family dwelling (1 unit), the estimated Public Impact Fee for this development project is **\$29,597.00**. The Public Impact Fees payment will be required at time of building permit issuance. One-half of the public facilities impact fees payment will be required prior to issuance of a building permit issuance; the second half of the payment will be required before the final framing inspection.

General Plan/Specific Plan: The *Burlingame General Plan* designates this site for Medium-High Density residential (21-50 dwelling units per acre), which allows up to 10 units. In 2010 the City Council adopted the *Burlingame Downtown Specific Plan* (amended in 2011), which serves as an element of the General Plan. The subject property is located within the boundaries of the planning area for the Downtown Specific Plan, specifically in the Bayswater Mixed Use Area. The Plan describes the Bayswater Mixed Use Area as follows:

The Bayswater Mixed Use area is centered on Bayswater Avenue between El Camino Real and Park Road. Development will be consistent with the existing neighborhood scale of small streets and varied commercial and residential buildings. Existing residential and commercial properties could be improved and expanded at a scale consistent with the adjacent residential areas. The area is meant to serve as a buffer between the downtown commercial district and the residential neighborhoods to the south and east across El Camino Real. For properties with El Camino Real frontage, new development is strongly encouraged to provide egress from side streets rather than El Camino Real, thereby reducing curb cuts and allowing existing trees to remain and new trees to be planted on El Camino Real.

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
<p>Goal LU-3: Ensure sensitive transitions between the existing adjacent residential areas and the downtown area.</p> <p>Policy LU-3.1: In peripheral areas of the downtown planning area, identify neighborhood serving uses such as corner markets and provide for sufficient residential density to support those uses.</p>	<p>The proposed three-story, seven-unit multifamily residential development provides a compatible and sensitive transition between existing two and three-story residential and commercial buildings in the surrounding neighborhood.</p> <p>The project site is located on the periphery of the downtown planning area and proposes a residential density of 35 units per acre which is consistent with the allowed Medium-High Density designation (21-50 dwelling units per acre).</p>
<p>Policy LU-6.1: Allow housing in the Howard Avenue area as well as on the periphery.</p>	<p>The proposed project includes a seven-unit multifamily residential development on the periphery of the downtown planning area.</p>
<p>Goal P-1: Explore creative parking solutions.</p> <p>Policy P-1.3: Conceal parking areas through the use of attractively designed above- or below-ground parking structures.</p>	<p>Car stackers are proposed in each of the enclosed garages, accommodating two vehicles instead of one.</p> <p>Ground level parking is concealed by designed the garages so that they are enclosed, are located behind the front wall of the building, and configured so that the doors face the side property line.</p>
<p>Policy C-2.6: Consider the needs of pedestrian, bicycles, and people with disabilities.</p>	<p>Bicycle racks are provided in each enclosed garage.</p>
<p>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 persevered whenever possible.</p>	<p>One new 24-inch box size street tree will be planted in front of the site.</p>
<p>Policy D-3.1: Ensure that new development is appropriate to Burlingame with respect to size and design.</p>	<p>Building does not exceed the maximum allowed building height and is consistent in mass and bulk with existing buildings in the area; project is subject to design review.</p>

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Environmental Review Status: The proposed project is Categorically Exempt from review pursuant to the California Environmental Quality Act (CEQA), per Section 15332, In-Fill Development Projects, which consists of projects characterized as in-fill development meeting the conditions described below.

- (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.

- *The subject property has a General Plan land use designation of Medium-High Density residential (21-50 dwelling units per acre), which allows up to 10 units, and is located within the Bayswater Mixed Use Area of the Downtown Specific Plan.*

The proposed project consists of a multifamily residential condominium with seven units, which is a density of 35 dwelling units per acre, and therefore consistent with the general plan designation. The project as designed is consistent with Goals LU-3 and P-1 which address sensitive transitions between existing residential areas and the downtown area and creative parking solutions. The proposed project is also consistent with Policies LU-3.1, LU-6.1, P-1.3, C-2.6, S-1.3, and D-3.1 which address residential density, allowing housing on the periphery of the downtown planning area, parking design, encouraging planting of trees, and ensuring that the massing of the building is appropriate.

Furthermore, the proposed project complies with all applicable zoning regulations, including setbacks, building height, lot coverage, landscaping, off-street parking, and condominium development regulations.

- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

- *The proposed development is on a project site of 0.20 acres and is surrounded by urban uses, including a three-story multifamily building to the north, a one-story office building to the south, two-story office and commercial buildings across Park Road to the east, and three-story multifamily buildings across El Camino Real to the west.*

- (c) The project site has no value as habitat for endangered, rare or threatened species.

- *The project site is located in an urban area and is surrounded by commercial and residential development. The project site is completely developed and is currently occupied with a one-story building, a detached garage, and paved parking area. There are no large or significant trees, riparian habitat or other sensitive plant communities on the project site. There are no creeks or wetlands present on the project site.*

- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

- *A Mitigated Negative Declaration was prepared for the Downtown Specific Plan, which analyzed potential impacts of new infill development and included standard conditions of approval to mitigate potential environmental impacts from projects. The proposed project is located within the Downtown Specific Plan and conforms with development assumptions incorporated into the Initial Study and Mitigated Negative Declaration prepared for the Downtown Specific Plan. With incorporation of these standard conditions of approval, the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*

Traffic: Based on the ITE's Trip Generation 9th Edition, daily trip generation rates of 9.52 trips/units for single family homes and 5.81 trips/unit for residential condominiums, the proposed project would result in 31 net new daily vehicle trips. The proposed project would generate approximately three AM peak hour trips and four PM peak hour trips.

The Congestion Management Program (CMP) requires a traffic impact analysis when a project would result in 100 or more peak hour trips. Since the project would generate approximately three AM and four PM peak hour trips, a detailed traffic impact analysis to show conformity to the CMP is not required. The project would not result in a conflict with any other adopted plan, ordinance, or policy related to the effectiveness of the circulation system.

Additionally, the traffic impacts from the full implementation of the Downtown Specific Plan, which includes the proposed development on the project site, were evaluated when the Downtown Plan was approved in 2010. The full build-out of the Downtown Specific Plan would add substantially to delays at three study area intersections located at California Drive/Lorton Avenue, El Camino Real/Peninsula Avenue/Park Road, and California Drive/Howard Avenue. As identified in the Downtown Specific Plan Initial Study, Mitigation Measures F-1 through F-3 would reduce the delays at these intersections to less-than-significant levels by year 2030. Since the proposed project is only contributing six net new units on the site and three AM peak hour trips and four PM peak hour trips, traffic impacts as a result of the project would be less than significant.

Noise: The project site has been developed with structure for 102 years. Since the use of the site will continue to be residential, the proposed project will not significantly increase the existing ambient noise levels. The proposed project will be required to comply with current construction standards, including increased insulation, which also provides for noise attenuation. Because the proposed project is a multifamily residential land use, Title 24 of the California Code of Regulations will require a qualified acoustical engineer to prepare a design level acoustical study as a prerequisite to building permit issuance for any future multifamily residential development applications where noise levels could exceed 65 decibels. The study shall include post-construction monitoring to ensure that interior ambient noise levels for multifamily housing are at or below 45 dBA.

Construction of the proposed condominium will not require pile driving or other significant vibration causing construction activity. The project does not include any permanent operational activity that would result in excessive or perceptible vibration. Conditions of approval to be added will ensure that temporary construction noise impacts will be reduced to less than significant levels.

Air quality: The proposed application is for a seven-unit multifamily condominium project to replace the existing single family dwelling. While this project will accommodate more people than the previous use, the change in emissions generated by a change from a single family dwelling to seven residential dwelling units at this location over emissions from all development in Burlingame is insignificant. The site is within walking distance of countywide bus and rail services. The site is zoned for multifamily residential development and with proper adherence to regional air quality requirements during construction, the proposed project will not create any deterioration in the air quality or climate, locally or regionally.

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Water quality: *This project is a residential infill development project and it is not located adjacent to a waterway. Currently, the majority of the site is impervious, consisting of two separate structures and paving throughout the site. The proposed project will include new landscaping at the front and rear of the site and will match the existing area of landscaping being removed (approximately 1,550 SF).*

Development of the proposed project would require compliance with the City of Burlingame Municipal Code which requires that all storm drain systems shall be designed to remove stormwater from the area at a maximum rainfall intensity of 1 inch per hour and that lots shall be graded to provide stormwater removal at this rainfall rate. A grading permit would be required and runoff from the project site would be evaluated for its potential to cause erosion.

Any construction project in the City, regardless of size, will need to comply with the city's stormwater National Pollutant Discharge Elimination System permit to prevent construction activity stormwater pollution. A condition of approval will be included which requires that all contractors implement appropriate and effective Best Management Practices during all phases of construction, including demolition.

- (e) The site can be adequately served by all required utilities and public services.
- *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. The existing one-story building will be replaced with a three-story building on the same lot and therefore can be adequately served by required utility and public services.*

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

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

Suggested Findings for Design Review: That the proposed condominium building will be compatible with the existing character of the neighborhood with the use of a variety of quality materials including cement plaster, lap siding, fiber cement panels, metal panel awnings, wood guardrails at the balconies, composite wood windows, painted wood entry doors, and metal sectional garage doors. The new three-story building respects the mass and scale of this portion of Park Road and El Camino Real which has a mix of three-story multifamily residential buildings and one and two-story office and commercial buildings with a variety of architectural styles. The building includes an articulated front façade that provides visual interest. For these reasons the project may be found to be compatible with the requirements of the City's six design review criteria.

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

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

Suggested Findings for Condominium Permit:

- *Sound community planning; the economic, ecological, social and aesthetic qualities of the community; and on public health, safety and general welfare* in that the seven-unit residential condominium project is scaled to be compatible with existing multifamily buildings along Park Road and El Camino Real and features ample landscaping with usable common open space;
- *The overall impact on schools, parks, utilities, neighborhoods, streets, traffic, parking and other community facilities and resources* in that the project site is located in an urban area and is surrounded by commercial and residential development which is served by utility and public services; that the existing one-story building containing a single family residence will be replaced with a three-story building containing seven residential units on the same lot and therefore can be adequately served by required utility and public services since the proposed project is only contributing six net new units on the site; and that a Mitigated Negative Declaration was prepared for the Downtown Specific Plan, which analyzed potential impacts of new infill development and included standard conditions of approval to mitigate potential environmental impacts from projects, and with incorporation of these standard conditions of approval, the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- *Conformity with the general plan and density permitted by zoning regulations*, in that the project provides six additional residential units (7 total) consistent with the applicable general plan and zoning designations.

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

1. Design Review and Condominium Permit.
2. Tentative Condominium Map (recommendation for approval by City Council).

At the public hearing the following conditions should be considered:

1. that the project shall be built as shown on the plans submitted to the Planning Division date stamped April 30, 2018, sheets A0.0 through A5.2, L1.1, and Topographic and Boundary Survey;
2. that prior to the final inspection, the project sponsor shall provide and install evergreen hedges on the 33 Park Road property along the north property line between 21 and 33 Park Road; the final layout and plant locations shall be determined at time of construction and after consulting with each of the 33 Park Road residents that have balconies and/or patios adjacent to the north property line; the project sponsor shall provide to the Planning Division a revised Site Plan and Landscape Plan once the final planting locations have been determined;
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 \$14,798.50, made payable to the City of Burlingame and submitted to the Planning Division;
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 \$14,798.50, made payable to the City of Burlingame and submitted to the Planning Division;
5. that Klaus SingleVario 2061 parking lifts, or equivalent parking lifts, shall be installed in the garage of each residential unit, 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 in each garage 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.
6. 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;
7. that 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;
8. that the applicant shall apply for an encroachment permit from the Department of Transportation for any work proposed in the state right-of-way;

9. that the maximum elevation at the top of the roof ridge shall not exceed elevation 73.25' as measured from the average elevation at the top of the curb along Park Road (38.25') for a maximum height of 35'-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/first floor finished floor elevation shall be elevation 40.25'; second floor finished floor shall be elevation 52.50'; third floor finished floor shall be elevation 62.75'. 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 Division or Planning Commission review (FYI or amendment to be determined by Planning staff);
11. that storage of construction materials and equipment on the street or in the public right-of-way shall be prohibited;
12. that the service/delivery vehicle area, located adjacent to the trash enclosure area, shall be identified on the site and designated on the final map and plans, the service/delivery vehicle area shall not be assigned to any unit, but shall be owned and maintained by the condominium association, and the service/delivery vehicle area shall always be accessible for parking and not be used for resident storage;
13. that the Covenants Conditions and Restrictions (CC&Rs) for the condominium project shall require that the service/delivery vehicle area shall be reserved for service/delivery vehicles only and shall not be used by condominium residents;
14. that the final inspection shall be completed and a certificate of occupancy issued before the close of escrow on the sale of each unit;
15. 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;
16. 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;
17. that any security gate system across the driveway shall be installed a minimum 20'-0' back from the front property line;
18. that all runoff created during construction and future discharge from the site shall be required to meet National Pollution Discharge Elimination System (NPDES) standards;

19. that the applicant shall submit an erosion and sedimentation control plan describing BMPs (Best Management Practices) to be used to prevent soil, dirt and debris from entering the storm drain system; the plan shall include a site plan showing the property lines, existing and proposed topography and slope; areas to be disturbed, locations of cut/fill and soil storage/disposal areas; areas with existing vegetation to be protected; existing and proposed drainage patterns and structures; watercourse or sensitive areas on-site or immediately downstream of a project; and designated construction access routes, staging areas and washout areas;
20. that methods and procedures such as sediment basins or traps, silt fences, straw bale dikes, storm drain inlet protection such as soil blanket or mats, and covers for soil stock piles to stabilize denuded areas shall be installed to maintain temporary erosion controls and sediment control continuously until permanent erosion controls have been established;
21. that construction access routes shall be limited in order to prevent the tracking of dirt onto the public right-of-way, clean off-site paved areas and sidewalks using dry sweeping methods;
22. that if construction is done during the wet season (October 15 through April 15), that prior to October 15 the developer shall implement a winterization program to minimize the potential for erosion and polluted runoff by inspecting, maintaining and cleaning all soil erosion and sediment control prior to, during, and immediately after each storm 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;
23. that common landscape areas shall be designed to reduce excess irrigation run-off, promote surface filtration and minimize the use of fertilizers, herbicides and pesticides;
24. that trash enclosures and dumpster areas shall be covered and protected from roof and surface drainage and that if water cannot be diverted from these areas, a self-contained drainage system shall be provided that discharges to an interceptor;
25. that this project shall comply with Ordinance 1845, the City of Burlingame Water Conservation in Landscaping Regulations, and complete landscape and irrigation plans shall be provided at the time of building permit application;
26. that all site catch basins and drainage inlets flowing to the bay shall be stenciled. All catch basins shall be protected during construction to prevent debris from entering;
27. that all new utility connections to serve the site, and which are affected by the development, shall be installed to meet current code standards and local capacities of the collection and distribution systems shall be increased at the developer's expense if necessary;
28. that all utilities to this site shall be installed underground. Any transformers needed for this site shall be installed underground or behind the front setback on this site;
29. that sewer laterals from the site to the public sewer main shall be checked and shall be replaced to city standards as required by the development;
30. that all abandoned utilities and hookups shall be removed;
31. that all drainage (including water from the below grade parking garage) on site shall be required to be collected and pumped to the street as determined by the Public Works Department;

32. that demolition of the existing structures and any grading or earth moving on the site shall be required to comply with all the regulations of the Bay Area Air Quality Management District;
33. that the applicant shall install fire sprinklers and a fire alarm system monitored by an approved central station prior to the final inspection for building permit;
34. that all construction shall abide by the construction hours established in the Municipal Code;
35. that the applicant shall comply with Ordinance 1645, the City of Burlingame Recycling and Waste Reduction Ordinance, and shall submit a waste reduction plan and recycling deposit for demolition and new construction, before receiving a demolition permit;
36. that this project shall comply with Ordinance No. 1477, Exterior Illumination Ordinance;
37. that the project shall be required to comply with all the standards of the California Building and Fire Codes, in effect at time of building permit issuance, as amended by the City of Burlingame;

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

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

The following conditions of approval are from Downtown Specific Plan:

42. the project sponsor shall implement all appropriate control measures from the most currently adopted air quality plan at the time of project construction;
43. 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.
44. 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.
45. 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;
46. the project sponsor shall incorporate residential 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 and commercial 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. 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. that 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.

Ruben Hurin
Senior Planner

- c. Brian Siu Yang, Levy Design Partners, applicant and architect
GGH Investment LLC property owners

Attachments:

October 23, 2017 Planning Commission Minutes
Applicant's Response Letter, dated April 30, 2018
Email submitted by Kendra Calvert and Andy Helgesen, dated October 23, 2017
Email submitted by Jennifer Pfaff, dated October 25, 2017
Application to the Planning Commission
Materials Board
Klaus SingleVario 2061 Specifications
Downtown Specific Plan Applicable Design Guidelines
Planning Commission Resolution (Proposed)
Notice of Public Hearing – Mailed May 18, 2018
Area Map