

Project Comments

Date: April 1, 2015

To:

<input type="radio"/> Engineering Division (650) 558-7230	<input type="radio"/> Fire Division (650) 558-7600
<input type="radio"/> Building Division (650) 558-7260	<input type="radio"/> Stormwater Division (650) 342-3727
<input checked="" type="radio"/> Parks Division (650) 558-7334	<input type="radio"/> City Attorney (650) 558-7204

From: Planning Staff

Subject: Request for Amendment to Condominium Permit and Design Review for changes to a previously approved design review project for a new 10-unit residential condominium at **1433 Floribunda Avenue, zoned R-3, APN: 029-112-050**

Staff Review:

The landscape plans for 1433 Floribunda show several planters, on the right side of the building, with *Osmanthus fragrans* planted in them. *Osmanthus* is a shrub and will not be considered a tree for this project, and provide only limited screening for the adjacent building.

The removal of the large oaks required that 2 landscape tree be planted as replacements. Since they are so big, I would of liked to have seen replacement trees with equal or similar size and stature. But, with the underground garage extending to the property line, there is now no viable grow space for trees along the right side fence unless the garage is made smaller and a planting area can remain.

I would prefer to see several columnar shaped trees along the fence such as *Acer rubrum 'columnare'*; *Carpinus*; or other suitable trees planted as replacements.

Also the Crape myrtle proposed in the back of the property are listed as multi-stem, I have requested that they change these to single stem trees. If no accommodation can be made with the garage, I will require that the myrtles be changed to larger variety trees to compensate for the loss in the urban canopy from the removal of the oaks.

Reviewed by: BDisco

Date: 4/10/15

Project Comments

Date: May 1, 2015

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Staff Review:

1. The four proposed Crape Myrtles are single stem and meet requirements of reforestation along with the transplanted palm tree.
2. The 13 24"box Acer rubrum 'columnare' typically grow 35-40 ft. Planted in pots, as proposed, trees may reach height of 15-20ft. and 8-10ft. wide. Size of decorative pot not indicated, but should be at least twice the width size of 24" nursery boxes to promote optimal growth of new trees. If all trees survive, they will provide screening to adjacent building up to 20ft.
3. Protected Tree Removal Permit for two oak is on file with City Arborist and will be approved if proposed plans are accepted by Planning Commission. Removal of Oak will be based on underground parking that will damage roots and make trees unstable.
4. Water Conservation in Landscape Ordinance and Irrigation Plan required for Building Permit.

Reviewed by: BDisco

Date: 5/6/15

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San Francisco CA 94107

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415 777 5117 fax

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LEVY DESIGN PARTNERS

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MAR - 6 2015

CITY OF BURLINGAME
ODD-PLANNING DIV.

February 19, 2015

City of Burlingame
Planning Commission
501 Primrose Road
Burlingame, CA 94010

1433 FLORIBUNDA: "FYI" Regarding Revisions to Approved Planning Commission Plans

Dear Planning Commissioners:

During the construction document and building permitting phases some alterations to the design of 1433 Floribunda have been needed and made. Below is a list of revisions which can be observed in the attached updated plans.

1/A3.1 – Floribunda Avenue Elevation

- Aluminum fascia changed to metal panel to bring cohesion to elevation and use of materials.

2/A3.1 – Project North Elevation

- Location of windows at gridline 8 modified to respond to changes in layout of bathrooms.
- Windows added to fourth floor at gridlines 5 & 6.9 to improve quality of life of Unit #402 through more natural lighting.
- Windows on fourth floor at gridline 4.5 and between gridlines 2.2 and 2.3 have revised to be cohesive with adjacent windows.
- Cladding to bay on 4th floor has been changed to cement board siding to bring cohesions to elevation by matching adjacent area between gridlines 2.6 & 6.1.
- Wood screen added at ground floor near gridline 1.2 for security.
- Metal panel has added at gridline 1.2 of floors 2-4 so it can wrap around from the Floribunda Avenue elevation.
- Openings on ground floor between gridlines 3.9 and 6.1 revised to create a better rhythm.
- Louvers added throughout to meet CBC and Title 24 requirements.

1/A3.2 – Project East Elevation

- Guardrail at fourth floor has been revised (between gridlines G & L); former composite wood has been revised to stone veneer to match adjacent areas.

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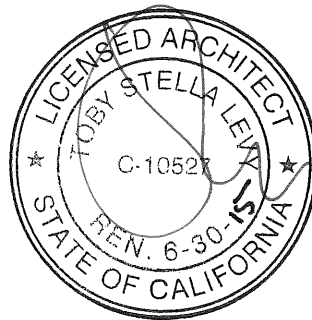
ARCHITECTURE
LEVY DESIGN PARTNERS

2/A3.2 – Project South

- Roof eave between gridlines 1.2 & 2.3 and the steel post changed to metal panel to bring cohesion to elevation and use of materials.
- Windows between gridlines 1.2 & 2.3 have been revised to accommodate updated unit changes.
- Windows on fourth floor between gridlines 3.9 & 6.1 have been updated to correspond to plan changes in Units 401 & 402.
- Guardrail at third floor has been revised (between gridlines 4.5 & 5.2); former composite wood has been revised to stucco to mimic look of adjacent parapets; vertical band has been added along gridline 5.2 to balance with similar gesture on other side of balconies.
- Window has been removed on ground floor at gridline 5 to relate to 2nd and 3rd floors and allow for structural requirements.
- New window has been added on fourth floor near gridline 7.1 to improve quality of life to Unit #402 through more natural lighting.
- Windows on all floors near gridline 8.5 have been revised to improve quality of life to Unit #402 through more natural lighting.
- Guardrail at fourth floor has been revised (between gridlines 8.5 & 8.9); former composite wood has been revised to stone veneer to match adjacent areas.
- New window has been added on ground floor near gridline 8.8 to improve quality of life Unit #102 through more natural lighting.
- Louvers added throughout to meet CBC and Title 24 requirements.

Sincerely,

Toby Levy, FAIA #C-10527
President
Levy Design Partners Inc.





March 13, 2015

Planning Department
City of Burlingame
850 Burlingame Avenue
Burlingame, CA 94010

Re: 1433 Floribunda Plan Check Comments

To Whom It May Concern,

Please find responses to project comments.

Plan Checker's Comment #2: "Landscaping strip is missing in between trees along the right side property line."

CFLA response: Previously, the basement wall was 3' clear of the property line allowing a continuous on-grade planting strip at the right side property line. Currently, the basement wall is 18" from the property line, but shoring abuts the property line to the outside of the basement wall, disallowing a continuous planting strip in this location. Additionally, a 6" storm water sewer pipe shall be 12" to 24" below the location of the proposed trees, prohibiting tree and shrub planting in-grade. Planter pots placed on-structure have been substituted instead. Please see Sheet L3.1.

Plan Checker's Comment #2: "Fern trees along the right side property line have been replaced with Sweet Olive trees."

CFLA response: A planning commissioner requested the Fern Pines be replaced with a "more leafy" tree. Fern Pines have needle-like foliage. Sweet Olive trees were selected for their non-needle-like evergreen foliage. As a bonus, Sweet Olive's flowers are fragrant, with the sweet scent of ripe apricots. The bloom is heaviest in spring and early summer. The trees grow to a height of 10 feet, although older trees may reach 18 feet.

Plan Checker's Comment #3: "Clarify proposed fence height within front setback. The maximum allowed height within the front setback is 5'-0"."

CFLA response: The fence shall be 4'-0" maximum. The top of the fence shall be level. The grade on which the fence shall be built slopes, so there will be portions of the fence which are shorter than 4'-0". See Sheet L2.1 for more information. See Details 3 and 5 on Sheet L5.2 for more information.

Plan Checker's Comment #5.a: "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."

CFLA response: See attached Protected Tree Removal Permit application.

Should you have any questions regarding these responses, please call Chris Ford at 510.601.8022.

Sincerely,

CFLA

Chris Ford

7. **1433 FLORIBUNDA AVENUE, ZONED R-3 – APPLICATION FOR CONSTRUCTION OF A NEW FOUR-STORY, 10-UNIT RESIDENTIAL CONDOMINIUM WITH BELOW GRADE PARKING (IRIS2 LLC, APPLICANT AND PROPERTY OWNER; LEVY DESIGN PARTNERS, ARCHITECT) STAFF CONTACT: RUBEN HURIN**
- A. MITIGATED NEGATIVE DECLARATION, CONDOMINIUM PERMIT, DESIGN REVIEW, AND PARKING VARIANCE
- B. TENTATIVE CONDOMINIUM MAP
-

All Commissioners had visited the project site. Commissioner DeMartini noted that he had met with the property owner. Reference staff report dated February 24, 20214, with attachments. Planning Manager Gardiner presented the report, reviewed criteria and staff comments. Sixty-six (66) conditions were suggested for consideration.

Chair Sargent opened the public hearing.

Toby Levy represented the applicant.

Commission comments:

- With respect to parking lifts, how will parking be assigned? (Levy – the four most expensive units will be assigned the stacked spaces.)
- Concerned that the parking situation may get worse with six, two-bedroom units are sharing seven spaces. (Levy – there are other types of lifts that could be considered.)
- Feels that there could be parking issues. (Levy – proposed parking consistent with the Downtown Plan.)
- Would the applicant agree to providing additional lifts where possible? (Levy – will need to evaluate lifts to determine if it is feasible.)
- Appreciates the plan for the trees along the property line. The likely height of the trees (20-feet) is not impressive, will not effectively screen roof equipment. Were other trees considered? (Levy – have tried to ensure that windows in the project do not align with adjacent windows on other properties.)
- Would rather consider a variance request for the screening of mechanical equipment since the trees will not grow to a greater height.
- Is the below market rate unit the smallest unit on the ground floor? Encouraged choosing another unit. (Levy – changed the location in response to prior Commission comments. Can choose a unit on the second floor instead.)
- Is there another tree species that can more effectively screen the mechanical equipment? (Levy – questioned whether 100% blockage is encouraged.)
- Would be concerned regarding reducing light on both properties.
- There isn't a guarantee of 100% privacy between buildings.
- Thought the mass of the existing, proposed trees is perhaps too dense.
- What would complement the design of the building best? (Levy – would like a thinner, Cypress-type tree. Wanted to ensure that something could be planted at a significant height immediately.)
- Requested clarification of the limitations of the code relative to the lobby area. (Levy – paths to the exits must be maintained and non-combustible materials are only allowed.)

Public comments:

John and Clarice Finnegan, owners behind the project on Almer Avenue; and Donna Walsh, 1427 Floribunda Avenue, spoke:

- Were at the prior meeting to discuss the item.
- Haven't been contacted by the applicant or any members of the Commission since that time.
- There is a foliage screen behind his cottage that has open sky above.
- Initially objected to the underground parking.
- Feels there may be noise at night from the lifts.
- Became aware of the parking arrangement as of 7:30 p.m. this evening.
- Object to the parking arrangement.
- Floribunda, Almer and other streets are congested.
- The project is designed to maximize the lot, but there is too much density on the lot.
- Can't object if the project meets code.
- Wants to be certain that their concerns are also addressed.
- Look at their one-story cottage that will be affected by the new project.
- Objects to having eight cars up against the lot line.
- Her light and view will be eliminated from her apartment.
- Upset about the height of the building.
- Will be looking at a wall.

There were no further comments and the public hearing was closed.

Additional Commission comments:

- Concerned about the scarcity of parking in the area.
- Believes that the stacked spaces will be useable given that they will be assigned to individual units.
- Hard to imagine that people from the new project will be parking on the street.
- Wonders whether people may have more of a tendency to use street parking if they just wish to run into their unit quickly.
- There should generally be an open spot for an individual unit.
- Since parking lifts have been approved for another project, would need to make a case not to approve it in this instance.
- Doesn't feel that the parking will impact the neighbors as it is subterranean.
- Bike parking is also being provided.
- Clarified service vehicle access. The applicant was able to comply with the requirement.
- Should encourage more housing and affordable units.
- Believes that landscaping should be in scale with the building.
- Concerned about seeing the air conditioning units from remote locations.
- Was hoping with the tree design to provide screening of the rooftop units.
- Noted that the existing trees would have survived if the current design were not built.
- Noted that the trees had been over trimmed and were not in good condition.
- Asked if additional stacked parking could be provided? (Levy – can commit to adding more stackers across from the other stacked spaces – would add at least two more vehicles.)
- Are electrical charging units being provided? (Levy – are installing conduit to accommodate the technology.)
- Didn't believe that the trees that were there were necessarily worth saving. The replacement trees are greater in number. May like to see something more leafy.
- Encourage neighbors to work out solutions and bring them back to the Commission for consideration if necessary.

- Noted that tree removal permits only notice to adjacent property owners.
- Is concerned regarding the issues raised by the neighbor in the rear.
- Parking spaces will be below grade. No one could imagine that anyone can hear it because of transition of height at rear.
- Developer has made an effort to transition the height as it moves to the rear to be sensitive to the adjacent property.
- Agrees that at least one side of the rooftop screening should be required in the most visible location.
- Seems that we don't do enough to promote more units and more affordability.
- The two extra stacked parking spaces should be provided.
- Community Development Director Meeker clarified that the additional height sought by the applicant is allowed since the project provides an affordable housing unit. He further noted that the update of the housing element will include discussions regarding increasing housing affordability in the community.

Commissioner Sargent moved to approve the application, by resolution, citing that the narrow lot width supports the use of parking lifts and further noting that the project will provide more than the minimum number of parking spaces, subject to the following conditions:

1. that the project shall be built as shown on the plans submitted to the Planning Division date stamped December 30, 2013, sheets A0.0 through A0.7, Boundary and Topographic Survey, L1.1 through L3.1 and A1.0 through A4.1;
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 if determined to be feasible, the existing palm tree shall be relocated to the northwest corner of the site; the palm relocation, planting and maintenance specifications shall be followed as outlined in the arborist report prepared by Ralph Osterling Consultants, Inc., dated May 16, 2013;
4. 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;
5. 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;
6. that the maximum elevation at the top of the roof ridge shall not exceed elevation 71.55' as measured from the average elevation at the top of the curb along Floribunda Avenue (25.55') for a maximum height of 46'-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 floor finished floor elevation shall be elevation 13.38'; first floor finished floor shall be elevation 26.38'; second floor finished floor shall be elevation 37.38'; third floor finished floor shall be elevation 48.38'; fourth floor finished floor shall be elevation 59.38'. 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;
7. 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;

8. that the conditions of the Building Division memos dated October 25, 2013; August 16, 2013; June 12, 2013; February 26, 2013; the Parks Division memos dated October 31, 2013; August 14, 2013; June 17, 2013; March 11, 2013; the Engineering Division memos dated November 12, 2013; August 29, 2013; July 11, 2013; March 19, 2013; the Fire Division memos dated October 23, 2013; February 25, 2013; and the Stormwater Division memos dated November 1, 2013; June 11, 2013; February 21, 2103 shall be met;
9. that storage of construction materials and equipment on the street or in the public right-of-way shall be prohibited;
10. that prior to issuance of a building permit for the project, the applicant shall enter into an agreement with the City to establish the affordability of the one (1) below market rate unit required as a part of this project; the applicant shall also submit a below market rate housing plan which shall describe in detail the applicant's proposal for meeting the inclusionary housing requirements as required by Chapter 25.63 of the Burlingame Municipal Code; the applicant shall enter into an agreement with a third-party non-profit organization approved by the City to administer the program;
11. 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;
12. 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;
13. that the final inspection shall be completed and a certificate of occupancy issued before the close of escrow on the sale of each unit;
14. 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;
15. 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;
16. that any security gate system across the driveway shall be installed a minimum 20'-0' back from the front property line;
17. that the guest entrance gate shall include an intercom system connected to each dwelling which allows residents to communicate with guests and to provide guest access to the parking area by pushing a button inside their units;
18. 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;

19. that all runoff created during construction and future discharge from the site shall be required to meet National Pollution Discharge Elimination System (NPDES) standards;
20. 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;
21. 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;
22. 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;
23. 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;
24. 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;
25. that trash enclosures and dumpster areas shall be covered and protected from roof and surface drainage and that if water cannot be diverted from these areas, a self-contained drainage system shall be provided that discharges to an interceptor;
26. that this project shall comply with 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;
27. that all site catch basins and drainage inlets flowing to the bay shall be stenciled. All catch basins shall be protected during construction to prevent debris from entering;
28. that 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;
29. 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;
30. 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;

31. that all abandoned utilities and hookups shall be removed;
32. 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;
33. 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;
34. 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;
35. that all construction shall abide by the construction hours established in the Municipal Code;
36. 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;
37. that this project shall comply with Ordinance No. 1477, Exterior Illumination Ordinance; and
38. 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:

39. that prior to scheduling the foundation inspection a licensed surveyor shall locate the property corners, set the building envelope;
40. 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;
41. 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;
42. 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

Aesthetics

43. *The project sponsor shall be subject to the design review process to evaluate the aesthetics of the construction of a residential condominium in the Downtown Specific Plan R-3 District.*

Air Quality

44. *During construction, 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.*
 - b. *All haul trucks transporting soil, sand, or other loose material off-site shall be covered.*
 - 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.*
45. *The project sponsor shall implement the following GHG 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; and*
 - c. *Recycle at least 50 percent of construction waste or demolition materials.*
46. *The project shall include a common facility for trash disposal, recycling, and composting as shown on the project plans date stamped December 30, 2013.*
47. *The project sponsor shall participate in all residential recycling and composting programs offered by the solid waste provider to multifamily residential customers. This shall include the composting program, currently offered as an optional service.*

Biological Resources

48. *The applicant shall comply with the City's on-site reforestation requirements as approved by the City Arborist.*
49. *Construction under the Downtown Specific Plan 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.*

Cultural Resources

50. *In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 100 feet of the resources shall be halted and after notification, the City shall consult with a qualified archaeologist and Native American representative to assess the significance of the find. If any find is determined to be significant (CEQA Guidelines 15064.5[a][3] or as unique archaeological resources per Section 21083.2 of the California Public Resources Code), representatives of the City and a qualified archaeologist shall meet to determine the appropriate course of action. In considering any suggested mitigation proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the lead agency shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for historical resources or unique archaeological resources is carried out.*
51. *If paleontological resources, such as fossilized bone, teeth, shell, tracks, trails, casts, molds, or impressions are discovered during ground-disturbing activities, work will stop in that area and within 100 feet of the find until a qualified paleontologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the City of Burlingame.*
52. *If human remains are discovered at any project construction sites during any phase of construction, all ground-disturbing activity 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 applicant 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 applicant 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.*

Geology and Soils

53. *The project sponsor shall submit a detailed design level geotechnical investigation to the City of Burlingame Building Division for review and approval. The investigation shall include recommendations to develop foundation and design criteria in accordance with the most recent California Building Code requirements. All foundations and other improvements shall be designed by a licensed professional engineer based on site-specific soil investigations performed by a California Certified Engineering Geologist or Geotechnical Engineer. All recommendations from the engineering report shall be incorporated into the residential development design. The design shall ensure the suitability of the subsurface materials for adequately supporting the proposed structures and include appropriate mitigations to minimize the potential damage due to liquefaction.*

Hazards and Hazardous Materials

54. *That the applicant shall install fire sprinklers and a fire alarm system monitored by an approved central station as required by the Fire Marshal prior to the final inspection for building permit.*
55. *That prior to demolition of the existing structures on the site, a survey shall be performed to determine if there is any presence of asbestos. The person who performs the survey must be Cal-OSHA certified. If asbestos is found, the BAAQMD (Bay Area Air Quality Management District) shall be immediately notified and the applicant shall comply with asbestos removal requirements.*

Hydrology and Water Quality

56. *The project applicant shall prepare and implement a storm water pollution prevention plan (SWPPP) for all construction activities at the project site. At a minimum, the SWPPP shall include the following:*
- a. *A construction schedule that restricts use of heavy equipment for excavation and grading activities to periods where no rain is forecasted during the wet season (October 1 thru April 30) to reduce erosion associated intense rainfall and surface runoff. The construction schedule shall indicate a timeline for earthmoving activities and stabilization of disturbed soils;*
 - b. *Soil stabilization techniques such as covering stockpiles, hydroseeding, or short-term biodegradable erosion control blankets;*
 - c. *Silt fences, compost berms, wattles or some kind of sediment control measures at downstream storm drain inlets;*
 - d. *Good site management practices to address proper management of construction materials and activities such as but not limited to cement, petroleum products, hazardous materials, litter/rubbish, and soil stockpile; and*
 - e. *The post-construction inspection of all drainage facilities and clearing of drainage structures of debris and sediment.*
57. *The project shall comply with Ordinance 1503, City of Burlingame Storm Water Management and Discharge Control Ordinance.*
58. *The project shall comply with Ordinance 1845, City of Burlingame Water Conservation in Landscape Ordinance.*

59. *That all surface storm water runoff created during construction and future discharge from the site shall be required to meet National Pollution Discharge Elimination System (NPDES) standards as adopted by the City of Burlingame.*
60. *That all construction shall be done during the hours of construction imposed by the City of Burlingame Municipal Code; these hours are between 7:00 a.m. and 7:00 p.m. on weekdays, 9:00 a.m. and 6:00 p.m. on Saturdays and 10:00 a.m. to 6:00 p.m. on Sundays. There shall be no construction on holidays.*
61. *To reduce daytime noise impacts due to construction, the project sponsor shall require construction contractors to implement the following measures:*
 - a. *Equipment and trucks used for project construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically-attenuating shields or shrouds, wherever feasible).*
 - b. *Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible.*
62. *That the method of construction and materials used in construction shall insure that the interior noise level within the building and inside each unit does not exceed 45 dBA in any sleeping area.*

Transportation/Traffic

63. *The project sponsor shall obtain approval for a Parking Variance for satisfying off-street parking requirements with parking lifts.*
64. *Klaus #26061-190 (or comparable) 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. *Sound absorption materials will be used to minimize any excessive noise from the operation of the parking lifts.*
 - c. *Signage shall be installed in each garage explaining the proper use of the lifts and emergency contact information for lift maintenance or problems.*
 - d. *The applicant shall be required to work with the manufacturer during construction to review issues related to installation of the parking lifts and to receive operational and safety training of the parking lifts.*
 - e. *The final design of the parking lifts shall be subject to the review and approval of the Community Development Director.*
65. *A minimum of sixteen (16) parking spaces shall be permanently maintained on the same lot with the building, including the spaces provided by the lifts accommodating four vehicles and the delivery vehicle space.*

66. *Project sponsors shall provide adequate secure bicycle parking in the Plan Area at a minimum ratio of one bicycle spot for every 20 vehicle spots.*

The motion was seconded by Commissioner Yie.

Discussion of motion:

- *None.*

Chair Sargent called for a voice vote on the motion to approve the application. The motion carried 5-0-1-0 (Commissioner Terrones absent)

Chair Sargent moved to adopt a resolution approving a Mitigated Negative Declaration for the project.

Discussion of motion:

- *None.*

The motion was seconded by Commissioner Bandrapalli.

Chair Sargent called for a voice vote on the motion to adopt the Mitigated Negative Declaration. The motion carried 5-0-0-1 (Commissioner Terrones absent). Appeal procedures were advised. This item concluded at 9:20 p.m.

6. 1433 FLORIBUNDA AVENUE, ZONED R-3 – APPLICATION FOR ENVIRONMENTAL SCOPING, CONDOMINIUM PERMIT, DESIGN REVIEW AND PARKING VARIANCE FOR A NEW FOUR-STORY, 10-UNIT RESIDENTIAL CONDOMINIUM (IRIS2 LLC, APPLICANT AND PROPERTY OWNER; LEVY DESIGN PARTNERS, ARCHITECT) STAFF CONTACT: RUBEN HURIN

Commissioner Gaul recused himself from this item, as he has a clubhouse within 500 feet of the subject property. He left the dais.

Commissioner DeMartini indicated he had a conversation with the arborist. There were no other ex parte communications, and all Commissioners had visited the property. Reference staff report dated November 25, 2013, with attachments. Planning Manager Kevin Gardiner briefly presented the project description.

Commission questions:

- Is the code requirement for the service vehicle for a standard sized vehicle? (Gardiner: It is a space for a service vehicle, and that's all the Code says, so it is open for interpretation. As long as it isn't blocking driveways or other spaces, it's open for interpretation. It's geared for a Comcast van, for example, rather than a UPS truck.)

Chair Sargent opened the public comment period.

Toby Levy represented the applicant:

- Took a lot of comments to heart in redesign. Significantly revised the front layout of the building.
- Bordered by buildings with narrow side setbacks.
- Architecture in neighborhood is varied.
- Palm tree to be relocated. Side trees to be removed, have already been trimmed back.
- Wants to have the BMR unit be the middle unit.
- Have attempted different configurations for a service vehicle space.
- Stackers allowed the garage to be reduced in size. They have been sized to accommodate a Ford Explorer. Can better clear the electrical pole behind.
- Re-did a lot of the exits and stairwells.
- Massing stayed the same from the previous design – highlight the smaller buildings to each side.
- Contextual architecture is a “mish-mash.”
- Materials and colors to change massing on the side.
- Simulated limestone in front, to match the neighborhood and help diminish the mass.

Commission questions/discussion:

- How would the parking lift spaces be assigned? (Levy: The whole lift will be assigned to a unit. Your car will be below you. You will not be negotiating with you neighbor.) The assignment of the lifts should be on the plans.
- Would having a vegetable garden be appropriate? (Levy: It was omitted from the plans by mistake. Typically there are one or two people who usually take these on, and if not, the gardeners will plant rosemary, non-deciduous, bay leaves, an herb garden. We want something that a gardener could also take care of.)
- Could you walk me through the entry, once I go through the doors? (Levy: There will be a bench, and a nice paving pattern with possibly a water feature. There will also be windows out the right side, with the stairs spilling out, the mail room, and the elevator. We cannot have furniture, but we can build in things that won't burn. We can't put in couches.)
- Is the left wall which separates the two pathways a solid wall? (Yes, it had to be a solid wall.)

- It would be a great project if there weren't two big oak trees on the site. Is there a design solution that would preserve the existing trees? I called the arborist, and I understand that the trees have been trimmed on both sides by the current owner. The arborist told me that the trees are being taken out due to the project, and that a differently designed project could save them. (Levy: When we started, we looked at the implications of keeping the oaks. In saving them, it would have rendered most of our lot useless due to the drip lines of the trees. You might go through the effort to save them with a different design and they still might die because the root balls are under the driveway, and in construction. You'd want to build at least five units on this site, and we'd have to build in the setbacks and be asking for variances. Our hands were tied.)
- I would have liked to see something else. It seems to be a question of profit. Is there another design? I don't want people coming in here and saying the reason they are cutting trees down is that they have to do the project. (Levy: I wish I would have heard this last time. The parking was a challenge and we redid the whole scheme. We are relocating the palm. The oaks are on the property line. The burden is not only on us, but on our neighbors.)
- The site is only about 45 feet wide. Although oak trees are my favorite trees, I'm accepting of the argument. To keep the trees we'd have to stay out of the drip line, which means you're cutting the site in half. Granting a variance would be difficult since it is new construction.
- Would like to see a design that retained the trees. It's hard to make this decision without seeing this other design. It is a special situation here. It doesn't seem like a Burlingame kind of thing to be to cut the trees down.
- Does the tree removal requires a separate permit? (Strohmeier: Yes, it requires a permit from the arborist, though it would be appealable. Anyone may appeal it to the Beautification Commission.)

Public comments:

John Constantino, 1137 Floribunda Avenue, spoke on this item:

- Owns the 11 unit building to the right, and we have 17 cars which park in our property and on the street (12 on the lot).
- If the trees are going to be taken down, there are no trees which are going to be put back to replace the trees which are going to be removed. The trees are 75-100 years old.
- We have five tenants which asked me to come tonight and ask that trees be put where the trees are going to be removed. They look out on the oaks and they really love those trees.
- The trees in the back, how can you grow vegetables under trees? I would not have trees in the back.
- There is no extra parking and you are going from 5 units to 10. There is a major parking problem on Floribunda. Would like to see the building set back a little with guest parking. The problem on the block is that the City has allowed large buildings to be built with no parking for friends or family.
- If the fence is going to come down, our concrete walkway is going to be affected, and we just put it in. Our PG&E and gas lines also run on that side of the building.
- The new building is going to shade our building.
- If you take down those trees, replace them with something that will grow big.

Toby Levy responded as the applicant:

- In deference to the neighbors, we indented our building. We always tried to keep the living areas set back 15 feet from the neighbors.
- We could get some taller planting but can't commit until speaking to the landscaper.
- There is space between the trees for the vegetable garden.

There were no other comments from the floor and the public hearing was closed.

There was no need for a motion regarding this item, as the item will automatically be placed on the Regular Action calendar when the applicant has modified the project as suggested and the environmental analysis is complete. This item concluded at 9:55 p.m.

Commissioner Gaul returned to the dias.

8. 1433 FLORIBUNDA AVENUE, ZONED R-3 – APPLICATION FOR ENVIRONMENTAL SCOPING, CONDOMINIUM PERMIT, DESIGN REVIEW AND PARKING VARIANCE FOR A NEW FOUR-STORY, 10-UNIT RESIDENTIAL CONDOMINIUM (IRIS2 LLC, APPLICANT AND PROPERTY OWNER; LEVY DESIGN PARTNERS, ARCHITECT) STAFF CONTACT: RUBEN HURIN

All Commissioners indicated that they had visited the property. There were no ex parte communications. Reference staff report dated September 9, 2013, with attachments. Community Development Director Meeker briefly presented the project description.

Questions of staff:

- None.

Chair Sargent opened the public comment period.

Toby Levy represented the applicant.

Commission comments:

- Understands the argument for the variance given the width of the lot.
- There isn't enough street parking in the area.
- With new construction there ought to be a solution that can allow the delivery space to be provided.
- Why is the Fire Marshal not allowing the lobby at the front of the building?
- Concerned that the front elevation is lifeless. Most other projects in the area have a lobby in the front.
- Something needs to happen to the design.
- What are the raised platforms in the rear yard? (Levy – intended to provide an opportunity for sitting.)
- Encouraged working vegetable garden opportunities into the space.
- Noted that the BMR unit is the only one that doesn't have two full bathrooms. Is there a way to make it a full two bath? Is the worst unit in the building. (Levy – will explore addressing this concern.)
- Need to provide some form of screening for the mechanical equipment.
- Feels the design would be more appropriate in the Trousdale area. (Levy – picking up on the mid-century modern theme. Cutting the building back has resulted in a reduced area for mechanical equipment which leads to having few opportunities for screening. The Oaks would need to be cut off where they have a weak point in order to allow them to be salvageable.)
- If you walk down the street, the trees are visible from a significant distance. Is there another design solution that could preserve the trees?
- Likes that the top floor has been stepped back.
- There needs to be human scale and a prominent entry at the front.
- If the total unit count were reduced, then could provide an off-street delivery space.
- The front design is more vehicle oriented, but the neighborhood is very pedestrian oriented.
- Difficulty with the variance since the developer is proposing a density that is greater than what is presently on the property. (Levy – since Public Works doesn't allow the curb-cut for the delivery vehicle, the trucks would be required to enter into the subterranean parking area.
- Show the alternatives for the Commission to consider what the impacts upon the design would be.

Public comments:

Therese and John Finnegan, spoke:

- How will the project impact their property as it is located behind them?
- Because the parking is underground and going to the property line, there will be no setback for the parking spaces; five will run to the property line. What impact will there be from the construction?
- The rear fence is to be a six foot fence; currently a twenty foot fence between their cottage and the rear cottage that is to be removed. Their privacy will be impacted with the removal of the fence between the properties.
- There is a large tree at the rear of the property near an electrical pole that could be impacted.
- The 20-foot rear setback will impact their property.

There were no other comments from the floor and the public hearing was closed.

Community Development Director noted that no action is required on this item as the review was for Design Review Study as well as Environmental Scoping. The item will be placed on the Regular Action Calendar once modifications are made and the environmental analysis is complete. This item concluded at 9:54 p.m.

RESOLUTION NO.

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BURLINGAME,
APPROVING A REQUEST FOR AMENDMENT TO DESIGN REVIEW AND CONDOMINIUM
PERMIT FOR CHANGES TO A PREVIOUSLY APPROVED 10-UNIT RESIDENTIAL
CONDOMINIUM AT 1433 FLORIBUNDA AVENUE, ON PROPERTY SITUATED WITHIN
THE R-3 ZONE**

RESOLVED, BY THE PLANNING COMMISSION OF THE CITY OF BURLINGAME THAT:

WHEREAS, an application has been made for Amendment to Design Review and Condominium Permit for proposed changes to a previously approved 10-unit residential condominium at 1433 Floribunda Avenue, zoned R-3, Iris2 LLC, 5730 Uplander Way #110, Culver City, CA, 90230, property owner, APN: 029-112-050;

WHEREAS, said matters were heard by the Planning Commission of the City of Burlingame on May 11, 2015, at which time it reviewed and considered the staff report and all other written materials and testimony presented at said hearing;

NOW, THEREFORE, IT IS RESOLVED AND DETERMINED BY THIS PLANNING COMMISSION THAT:

Section 1. Said Amendment to Design Review and Condominium Permit are approved subject to the conditions set forth in Exhibit "A" attached hereto. Findings for such Amendment to Design Review and Condominium Permit are set forth in the staff report, minutes, and recording of said meeting.

Section 2. It is further directed that a certified copy of this resolution be recorded in the official records of the County of San Mateo.

Chairman

I, _____, Secretary of the Planning Commission of the City of Burlingame, do hereby certify that the foregoing resolution was introduced and adopted at a regular meeting of the Planning Commission held on the 11th day of May, 2015 by the following vote:

Secretary

EXHIBIT "A"

Conditions of approval for Amendment to Design Review and Condominium Permit.

1433 Floribunda Avenue

Effective **May 21, 2015**

1. that the project shall be built as shown on the plans submitted to the Planning Division date stamped March 6, 2015, sheets A0.0 through A4.1, L1.2 and L1.3 and date stamped April 30, 2015, sheet L3.1;
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 if determined to be feasible, the existing palm tree shall be relocated to the northwest corner of the site; the palm relocation, planting and maintenance specifications shall be followed as outlined in the arborist report prepared by Ralph Osterling Consultants, Inc., dated May 16, 2013;
4. 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;
5. 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;
6. that the maximum elevation at the top of the roof ridge shall not exceed elevation 71.55' as measured from the average elevation at the top of the curb along Floribunda Avenue (25.55') for a maximum height of 46'-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 floor finished floor elevation shall be elevation 13.38'; first floor finished floor shall be elevation 26.38'; second floor finished floor shall be elevation 37.38'; third floor finished floor shall be elevation 48.38'; fourth floor finished floor shall be elevation 59.38'. 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;
7. 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;
8. that the conditions of the Building Division memos dated October 25, 2013; August 16, 2013; June 12, 2013; February 26, 2013; the Parks Division memos dated May 6, 2015, April 10, 2015, October 31, 2013; August 14, 2013; June 17, 2013; March 11, 2013; the Engineering Division memos dated November 12, 2013; August 29, 2013; July 11, 2013; March 19, 2013; the Fire Division memos dated October 23, 2013; February 25, 2013; and the Stormwater Division memos dated November 1, 2013; June 11, 2013; February 21, 2013 shall be met;
9. that storage of construction materials and equipment on the street or in the public right-of-way shall be prohibited;

EXHIBIT "A"

Conditions of approval for Amendment to Design Review and Condominium Permit.

1433 Floribunda Avenue

Effective **May 21, 2015**

10. that prior to issuance of a building permit for the project, the applicant shall enter into an agreement with the City to establish the affordability of the one (1) below market rate unit required as a part of this project; the applicant shall also submit a below market rate housing plan which shall describe in detail the applicant's proposal for meeting the inclusionary housing requirements as required by Chapter 25.63 of the Burlingame Municipal Code; the applicant shall enter into an agreement with a third-party non-profit organization approved by the City to administer the program;
11. 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;
12. 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;
13. that the final inspection shall be completed and a certificate of occupancy issued before the close of escrow on the sale of each unit;
14. 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;
15. 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;
16. that any security gate system across the driveway shall be installed a minimum 20'-0' back from the front property line;
17. that the guest entrance gate shall include an intercom system connected to each dwelling which allows residents to communicate with guests and to provide guest access to the parking area by pushing a button inside their units;
18. 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;
19. that all runoff created during construction and future discharge from the site shall be required to meet National Pollution Discharge Elimination System (NPDES) standards;

EXHIBIT "A"

Conditions of approval for Amendment to Design Review and Condominium Permit.

1433 Floribunda Avenue

Effective **May 21, 2015**

20. 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;
21. 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;
22. 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;
23. 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;
24. 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;
25. that trash enclosures and dumpster areas shall be covered and protected from roof and surface drainage and that if water cannot be diverted from these areas, a self-contained drainage system shall be provided that discharges to an interceptor;
26. that this project shall comply with 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;
27. that all site catch basins and drainage inlets flowing to the bay shall be stenciled. All catch basins shall be protected during construction to prevent debris from entering;
28. that 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;
29. 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;
30. 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;
31. that all abandoned utilities and hookups shall be removed;

EXHIBIT "A"

Conditions of approval for Amendment to Design Review and Condominium Permit.

1433 Floribunda Avenue

Effective **May 21, 2015**

32. 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;
33. 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;
34. 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;
35. that all construction shall abide by the construction hours established in the Municipal Code;
36. 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;
37. that this project shall comply with Ordinance No. 1477, Exterior Illumination Ordinance; and
38. 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:

39. that prior to scheduling the foundation inspection a licensed surveyor shall locate the property corners, set the building envelope;
40. 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;
41. 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;
42. 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

Aesthetics

43. The project sponsor shall be subject to the design review process to evaluate the aesthetics of the construction of a residential condominium in the Downtown Specific Plan R-3 District.

EXHIBIT "A"

Conditions of approval for Amendment to Design Review and Condominium Permit.

1433 Floribunda Avenue

Effective **May 21, 2015**

Air Quality

44. During construction, 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.
 - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - 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.
45. The project sponsor shall implement the following GHG 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; and
 - c. Recycle at least 50 percent of construction waste or demolition materials.
46. The project shall include a common facility for trash disposal, recycling, and composting as shown on the project plans date stamped December 30, 2013.
47. The project sponsor shall participate in all residential recycling and composting programs offered by the solid waste provider to multifamily residential customers. This shall include the composting program, currently offered as an optional service.

EXHIBIT "A"

Conditions of approval for Amendment to Design Review and Condominium Permit.

1433 Floribunda Avenue

Effective **May 21, 2015**

Biological Resources

48. The applicant shall comply with the City's on-site reforestation requirements as approved by the City Arborist.
49. Construction under the Downtown Specific Plan 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.

Cultural Resources

50. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 100 feet of the resources shall be halted and after notification, the City shall consult with a qualified archaeologist and Native American representative to assess the significance of the find. If any find is determined to be significant (CEQA Guidelines 15064.5[a][3] or as unique archaeological resources per Section 21083.2 of the California Public Resources Code), representatives of the City and a qualified archaeologist shall meet to determine the appropriate course of action. In considering any suggested mitigation proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the lead agency shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for historical resources or unique archaeological resources is carried out.
51. If paleontological resources, such as fossilized bone, teeth, shell, tracks, trails, casts, molds, or impressions are discovered during ground-disturbing activities, work will stop in that area and within 100 feet of the find until a qualified paleontologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the City of Burlingame.
52. If human remains are discovered at any project construction sites during any phase of construction, all ground-disturbing activity 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 applicant 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 applicant shall implement approved

EXHIBIT "A"

Conditions of approval for Amendment to Design Review and Condominium Permit.

1433 Floribunda Avenue

Effective **May 21, 2015**

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.

Geology and Soils

53. The project sponsor shall submit a detailed design level geotechnical investigation to the City of Burlingame Building Division for review and approval. The investigation shall include recommendations to develop foundation and design criteria in accordance with the most recent California Building Code requirements. All foundations and other improvements shall be designed by a licensed professional engineer based on site-specific soil investigations performed by a California Certified Engineering Geologist or Geotechnical Engineer. All recommendations from the engineering report shall be incorporated into the residential development design. The design shall ensure the suitability of the subsurface materials for adequately supporting the proposed structures and include appropriate mitigations to minimize the potential damage due to liquefaction.

Hazards and Hazardous Materials

54. That the applicant shall install fire sprinklers and a fire alarm system monitored by an approved central station as required by the Fire Marshal prior to the final inspection for building permit.
55. That prior to demolition of the existing structures on the site, a survey shall be performed to determine if there is any presence of asbestos. The person who performs the survey must be Cal-OSHA certified. If asbestos is found, the BAAQMD (Bay Area Air Quality Management District) shall be immediately notified and the applicant shall comply with asbestos removal requirements.

Hydrology and Water Quality

56. The project applicant shall prepare and implement a storm water pollution prevention plan (SWPPP) for all construction activities at the project site. At a minimum, the SWPPP shall include the following:
 - a. A construction schedule that restricts use of heavy equipment for excavation and grading activities to periods where no rain is forecasted during the wet season (October 1 thru April 30) to reduce erosion associated intense rainfall and surface runoff. The construction schedule shall indicate a timeline for earthmoving activities and stabilization of disturbed soils;
 - b. Soil stabilization techniques such as covering stockpiles, hydroseeding, or short-term biodegradable erosion control blankets;
 - c. Silt fences, compost berms, wattles or some kind of sediment control measures at downstream storm drain inlets;
 - d. Good site management practices to address proper management of construction materials and activities such as but not limited to cement, petroleum products, hazardous materials, litter/rubbish, and soil stockpile; and
 - e. The post-construction inspection of all drainage facilities and clearing of drainage structures of debris and sediment.

EXHIBIT "A"

Conditions of approval for Amendment to Design Review and Condominium Permit.

1433 Floribunda Avenue

Effective **May 21, 2015**

57. The project shall comply with Ordinance 1503, City of Burlingame Storm Water Management and Discharge Control Ordinance.
58. The project shall comply with Ordinance 1845, City of Burlingame Water Conservation in Landscape Ordinance.
59. That all surface storm water runoff created during construction and future discharge from the site shall be required to meet National Pollution Discharge Elimination System (NPDES) standards as adopted by the City of Burlingame.
60. That all construction shall be done during the hours of construction imposed by the City of Burlingame Municipal Code; these hours are between 7:00 a.m. and 7:00 p.m. on weekdays, 9:00 a.m. and 6:00 p.m. on Saturdays and 10:00 a.m. to 6:00 p.m. on Sundays. There shall be no construction on holidays.
61. To reduce daytime noise impacts due to construction, the project sponsor shall require construction contractors to implement the following measures:
 - a. Equipment and trucks used for project construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically-attenuating shields or shrouds, wherever feasible).
 - b. Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible.
62. That the method of construction and materials used in construction shall insure that the interior noise level within the building and inside each unit does not exceed 45 dBA in any sleeping area.

Transportation/Traffic

63. The project sponsor shall obtain approval for a Parking Variance for satisfying off-street parking requirements with parking lifts.
64. Klaus #26061-190 (or comparable) 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. Sound absorption materials will be used to minimize any excessive noise from the operation of the parking lifts.
 - c. Signage shall be installed in each garage explaining the proper use of the lifts and emergency contact information for lift maintenance or problems.
 - d. The applicant shall be required to work with the manufacturer during construction to review issues related to installation of the parking lifts and to receive operational and safety training of the parking lifts.

EXHIBIT "A"

Conditions of approval for Amendment to Design Review and Condominium Permit.

1433 Floribunda Avenue

Effective **May 21, 2015**

- e. The final design of the parking lifts shall be subject to the review and approval of the Community Development Director.
- 65. A minimum of sixteen (16) parking spaces shall be permanently maintained on the same lot with the building, including the spaces provided by the lifts accommodating four vehicles and the delivery vehicle space.
- 66. Project sponsors shall provide adequate secure bicycle parking in the Plan Area at a minimum ratio of one bicycle spot for every 20 vehicle spots.



CITY OF BURLINGAME
COMMUNITY DEVELOPMENT DEPARTMENT
501 PRIMROSE ROAD
BURLINGAME, CA 94010
PH: (650) 558-7250 • FAX: (650) 696-3790
www.burlingame.org

Site: 1433 FLORIBUNDA AVENUE

The City of Burlingame Planning Commission announces the following public hearing on **MONDAY, MAY 11, 2015 at 7:00 P.M.** in the City Hall Council Chambers, 501 Primrose Road, Burlingame, CA:

Application for Amendment for changes to a previously approved Condominium Permit, Design Review and Parking Variance for construction of a new four-story, 10-unit residential condominium with below-grade parking at **1433 FLORIBUNDA AVENUE** zoned R-3.

APN 029-112-050

Mailed: May 1, 2015

(Please refer to other side)

**PUBLIC HEARING
NOTICE**

City of Burlingame

A copy of the application and plans for this project may be reviewed prior to the meeting at the Community Development Department at 501 Primrose Road, Burlingame, California.

If you challenge the subject application(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing, described in the notice or in written correspondence delivered to the city at or prior to the public hearing.

Property owners who receive this notice are responsible for informing their tenants about this notice.

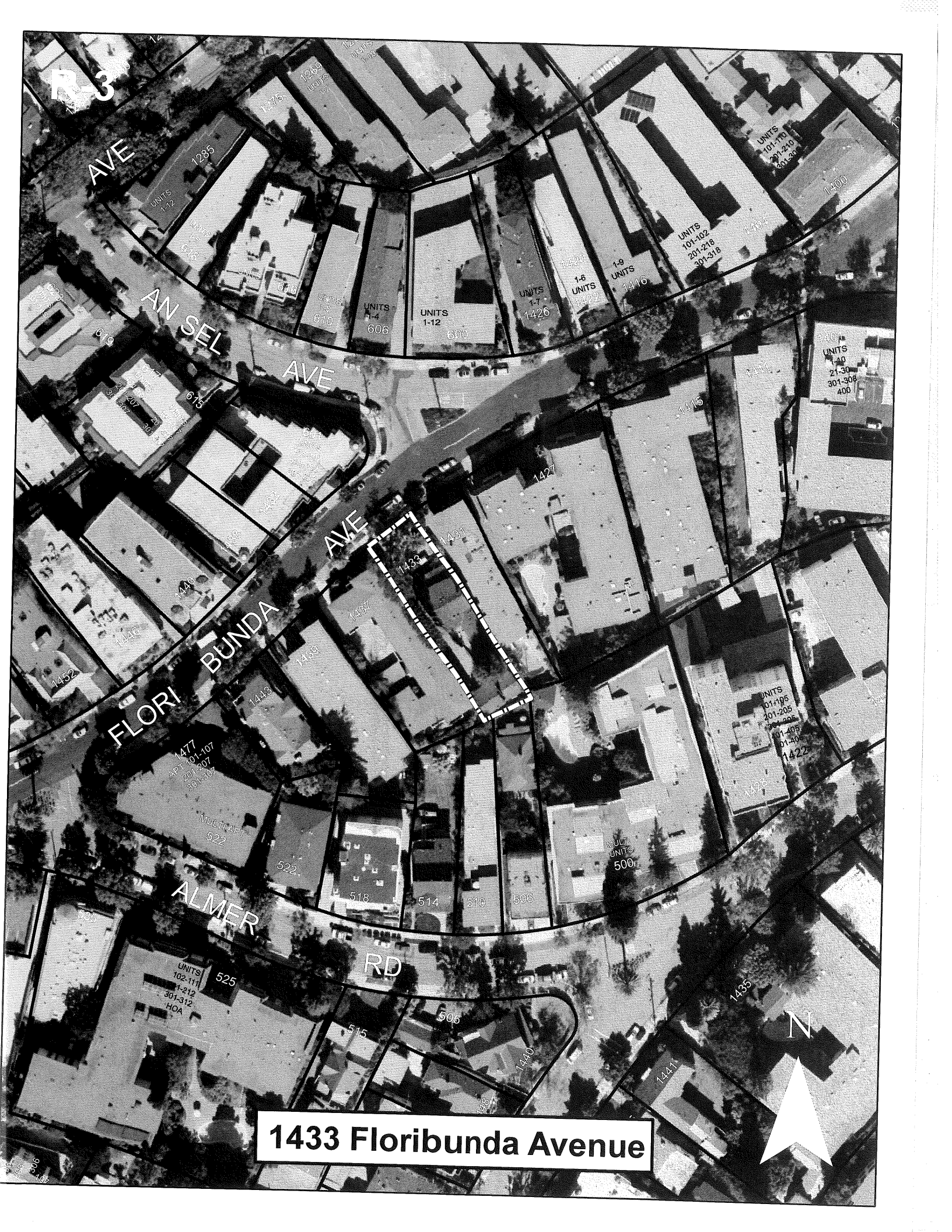
For additional information, please call (650) 558-7250. Thank you.

William Meeker
Community Development Director

PUBLIC HEARING NOTICE

(Please refer to other side)

1433 Floribunda Avenue



R-3
AVE

ANSEL
AVE

FLORIBUNDA
AVE

ALMER
RD

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UNITS 1-2
1285

UNITS 1-7
1289

UNITS 101-103
201-210
301-318

UNITS 1-3
610

UNITS 1-4
606

UNITS 1-12
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UNITS 1-7
1426

UNITS 1-6
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UNITS 1-9
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UNITS 1-40
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301-308
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