

City of Burlingame

One Year Extension

Address: 1870-1876 El Camino Real

Meeting Date: October 25, 2021

Request: Application for a One Year Extension of a previously approved application for Design Review, Density Bonus, Community Benefits, and Lot Merger for a new 7-story, 169-unit residential apartment development.

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

Architect: Studio T-Square Inc.

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

Lot Area: 1.14 acres (49,964 SF)

General Plan: North Burlingame Mixed Use

Zoning: NBMU (North Burlingame Mixed-Use)

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

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

Proposed Use: Multifamily Residential - Apartments

Allowable Use: Multifamily Residential is permitted

Summary of Request: The applicant is applying for a One Year Extension of a previously approved application for Design Review, Density Bonus, Community Benefits, and Lot Merger for a new 7-story, 169-unit residential apartment development. The application was originally approved by the Planning Commission on October 26, 2020 (see attached October 26, 2020 Planning Commission Minutes).

The Planning Commission approval allows the applicant one year, or until November 5, 2021 (effective date of October 26, 2020 Planning Commission action), to obtain a building permit. However, as noted in the applicant's letter dated September 28, 2021, they are requesting this extension to allow additional time to 1) evaluate the post-pandemic real estate market and 2) prepare the complex construction drawings for a project of this size. As a result, a building permit will not be issued before the one-year deadline. If the extension is not granted, the property owner will need to reapply with a new application. There have been no changes to the approved plans since the October 26, 2020 Planning Commission approval. Approval of the requested One Year Extension of the entitlements would give the applicant until November 5, 2022 to obtain a building permit.

Project Description of Previously Approved Project: The project site is composed of two parcels totaling 1.14 acres located on the southeast corner of El Camino Real and Murchison Drive and is adjacent to a frontage road that parallels El Camino Real. The corner parcel is currently occupied by a gasoline station and the interior parcel, which is a through lot to California Drive, contains a two-story office building. The Millbrae Caltrain station is located across the street, just 0.12 miles east of the project site; the BART station (Millbrae multimodal station) is located just beyond the Caltrain station, about 0.24 miles northeast of the project site.

The project site is located within the North Burlingame Mixed District (NBMU). The NBMU zoning includes "tiered" development standards requiring community benefits to be included in projects in order to achieve the highest residential densities and building heights. The applicant has elected to develop consistent with "Tier 3" standards, which is the highest tier and is requesting a density bonus. The approved project will have a density of 147 dwelling units per acre, where 140 units per acres (160 units) is the maximum allowed. Seventeen units (10%) will be below market rate (BMR) for moderate income households that do not exceed 120% of the average median income (AMI). The approved application includes a density bonus and based on the Density Bonus Ordinance C.S. 25.63.020(b), nine (9) additional units are permitted for a total of 169 units.

The project includes demolishing the existing gasoline station and office building, merging the two parcels and constructing a new 7-story, 169-unit residential apartment building. The project will have 52 one-bedroom units (31%) and 117 two-bedroom units (69%). Seventeen units (10%) will be below market rate (BMR) for moderate income households that do not exceed 120% of the average median income (AMI). The one-

bedroom units will range from 642 to 767 square feet, and the two-bedroom units will range from 1,053 square feet to 1,139 square feet. The ground floor will include a leasing office, fitness center, club room and pool changing room. In addition, flexible work space for remote work space, along with a conference room and a yoga room will be provided on the second floor. The building will total 294,506 gross square feet.

The overall height will be approximately 85 feet to the top of the parapet and 94 feet to the top of the elevator and stair penthouse, as measured from the lowest average top of curb along California Drive. The project will provide a total of 182 on-site parking spaces located in two levels of parking. Given the slope from El Camino Real to California Drive, the first level of parking is at grade along California Drive. All of the parking spaces provided will be independently accessible and are code compliant.

The following applications were previously approved by the Planning Commission for this project on October 26, 2020:

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

Environmental Review: The California Environmental Quality Act (CEQA) Guidelines, Section 15183, allows a streamlined environmental review process for projects that are consistent with the densities established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified. This project was approved under the Section 15183 exemption which applies to the proposed project at 1870-1876 El Camino Real because the project is consistent with the City of Burlingame General Plan; the GP EIR was certified for the City of Burlingame General Plan, and all feasible mitigation measures identified in the GP EIR as being applicable to the proposed project will be implemented, as discussed in the Exemption Checklist, to a less-than-significant level. Therefore, because the project meets the criteria of Section 15183, and because it would not have a significant effect on the environment, this analysis finds that a Notice of Exemption may be prepared for the Project and no further environmental review is needed.

Suggested Findings for a One Year Extension of a Previously Approved Design Review, Density Bonus, Community Benefits, and Lot Merger: Based on the findings stated in the attached minutes of the Planning Commission's October 26, 2020 Regular Action Meeting and that there are no changes proposed to the previously approved applications for a new 7-story, 169-unit residential apartment development, the project is found to be compatible with the criteria for the Design Review, Density Bonus, Approval of Community Bonuses, and Lot Merger.

Planning Commission Action to Extend Permit to November 5, 2022: 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, and should be affirmed by resolution of the Planning Commission. The reasons for any action should be stated clearly for the record. At the public hearing the following conditions should be considered:

1. that the project shall be built as shown on the plans submitted to the Planning Division date stamped October 9, 2020, sheets A1.0 through A5.4, sheets T0.1 through TM5.1, sheets P.1 and sheets L1 through L12;
2. that prior to issuance of a building permit for construction of the project, the project construction plans shall be modified to include a cover sheet listing all conditions of approval adopted by the City Council; which shall remain a part of all sets of approved plans throughout the construction process. Compliance with all conditions of approval is required; the conditions of approval shall not be modified or changed without the approval of the Planning Commission, or City Council on appeal;
3. that any changes to the size or envelope of the building, which would include expanding the footprint or floor area of the structure, replacing or relocating windows or changing the roof height or pitch, shall be subject to Planning Commission review (FYI or amendment to be determined by Planning staff);
4. that the project shall include seventeen (17) affordable units to households of "Moderate Income" category, as defined as earning a maximum of 120% of the San Mateo County Area Median Income; the City Manager shall be authorized to execute an agreement with the applicant and the applicant shall enter into an agreement for the administration of the renting or leasing of the affordable units at least 120 days before the final inspection;
5. that the required affordable dwelling units shall be constructed concurrently with market-rate units;
6. that the seventeen (17) moderate income restricted affordable units shall remain restricted and affordable to the designated income group for a minimum period of fifty-five (55) years (or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program);
7. that the seventeen (17) restricted affordable units shall be built on-site and be dispersed within the development. The number of bedrooms of the restricted affordable units shall be equivalent to the bedroom mix and average sizes of the non-restricted units in the development; except that the applicant may include a higher proportion of restricted affordable units with more bedrooms. The design and construction of the affordable dwelling units shall be consistent with the design, unit layout, and construction of the total project development in terms of appearance, exterior construction materials, and unit layout;
8. that the applicant shall enter into a regulatory agreement with the City; the terms of this agreement shall be approved as to form by the City Attorney's Office, and reviewed and revised as appropriate by the reviewing City official; this agreement will be a form provided by the City, and will include the following terms:
 - (a) The affordability of very low, lower, and moderate income housing shall be assured in a manner consistent with Government Code Section 65915(c)(1);
 - (b) An equity sharing agreement pursuant to Government Code Section 65915(c)(2);
 - (c) The location, dwelling unit sizes, rental cost, and number of bedrooms of the affordable units;
 - (d) A description of any bonuses and incentives, if any, provided by the City; and
 - (e) Any other terms as required to ensure implementation and compliance with this section, and the applicable sections of the density bonus law;
9. that the above noted regulatory agreement regarding the seventeen (17) restricted affordable units shall be binding on all future owners and successors in interest; the agreement required by this Zoning Code Section 25.63.080 is hereby a condition of all development approvals and shall be fully executed and recorded prior to the issuance of any building or construction permit for the proposed project;

10. that the project shall include the Transportation Demand Management Measures as proposed in the Transportation Impact Analysis, prepared by TDM Specialist Inc., dated September 16, 2019;
11. that a TDM annual report shall be prepared by a qualified, independent consultant and paid for by the owner and submitted to the City of Burlingame annually; with the initial, or baseline, commute survey report to be conducted and submitted one (1) year after the granting of a certificate of occupancy for 75 percent or more of the project and annually after that;
12. that the TDM annual report shall provide information about the level of alternative mode-uses and in the event a 25 percent reduction in peak-hour vehicle trips and reduction in overall parking demand is not met, the report shall explain how and why the goal has not been reached; in such a circumstance the annual report shall identify a work plan, to be approved by the City of Burlingame, which describes additional or alternative measures for implementation that would be necessary to enhance the TDM program to attain the TDM goal of 25 percent mode split;
13. that the City may consider whether the employer/tenant has made a good faith effort to meet the TDM goals and may allow the owner a six-month "grace period" to implement additional TDM measures to achieve the 25 percent vehicle trip reduction;
14. that prior to the issuance of building permits, a covenant agreement shall be recorded office with the San Mateo County Assessor and Recorder's Office to provide constructive notice to all future owners of the property of any ongoing programmatic requirements that discloses the required Transportation Demand Management (TDM) provisions and any conditions of approval related herein to compliance and reporting for the TDM;
15. that the applicant shall prepare, and submit, a Construction Risk Management Plan to the San Mateo County Environmental Health's Groundwater Protection Program (GPP) for approval, prior to the issuance of a building permit. The Construction Risk Management Plan shall address the possibility of encountering subsurface contaminants, including groundwater, during construction activities, and the relevant measures for identifying, handling, and disposing of subsurface contaminants. The Construction Risk Management Plan shall be submitted and approved by the San Mateo County Environmental Health Department's Groundwater Protection Program prior to issuance of a building permit;
16. that the contractor shall ensure the appropriate handling, storing, and sampling of any soil to be removed from the subject property, as per the Construction Risk Management Plan so as to eliminate potential health and safety risks to the public, including construction workers;
17. that in the event that groundwater, or other subsurface contaminants, are encountered during excavation, grading, or any other demolition/construction activities at the project site, the contractor shall ensure that the procedure for evaluating, handling, storing, testing, and disposing of contaminated groundwater is implemented, as per the Construction Risk Management Plan;
18. that workers handling demolition and renovation activities at the project site will be trained in the safe handling and disposal of any containments with which they are handling or disposing of on the project site;
19. that prior to issuance of a building permit for the project, the project applicant shall pay the first half of the North Burlingame/Rollins Road Development Fee in the amount of \$88,505.35, made payable to the City of Burlingame and submitted to the Planning Division;

20. that prior to scheduling the final framing inspection, the project applicant shall pay the second half of the North Burlingame/Rollins Road Development Fee in the amount of \$88,505.35, made payable to the City of Burlingame and submitted to the Planning Division;
21. that prior to final inspection or the date the certificate of occupancy is issued, whichever occurs first, the project applicant shall pay the Public Impact Fees in the amount of \$709,258.30 in full, payable to the City of Burlingame and submitted to the Planning Division;
22. that the public plaza shall be owned, operated, and maintained by the developer or property manager in accordance with an approved maintenance plan to be reviewed and approved by the Community Development Director;
23. that the public plaza shall be open to the public, without charge, each day of the year, except for temporary closures for necessary maintenance or public safety;
24. that the conditions of the Building Division's October 29, 2019 and January 28, 2020 memos, the Stormwater Division's October 17, 2019 and January 24, 2020 memos, the Park's Division's October 16, 2019 memo, Fire Division's August 16, 2019 and January 28, 2020 memos and the Public-Works Engineering Division's October 17, 2019 and February 27, 2020 memos related to the building permit submittal shall be met;
25. that the project shall be constructed in accordance with the December 2, 2019 "Request for Alternate Materials or Methods of Construction" agreement between the applicant (Studio T-Square Architecture or any future owner) and Central County Fire Department which requires the following: 1) The building shall be a minimum of Type IIIA construction. This has already been stated on the Planning Department plan submittal; 2) Fire sprinklers at the garage level shall be of quick-response type; and 3) Two stair enclosures extend to the roof level with standpipe test located immediately outside of the roof level stair well doors and the positive pressures system within each stair enclosure of smoke control;
26. prior to issuance of a building permit, the project sponsor shall verify that the August 23, 2019, FAA determination of no hazard to air navigation for the project is still current and has not expired (2/23/21) and if expired a new FAA determination of no hazard to air navigation shall be submitted to the City of Burlingame prior to building permit issuance;
27. that that the project shall comply with the SFO Comprehensive Airport Land Use Compatibility Plan (ALUCP), specifically in accordance with Safety Compatibility Policy SP-2 pertaining to land uses; and that any future tenants of the commercial and office space comply with the Safety Compatibility Criteria for Safety Zone 2 as contained in Table IV-2 of the SFO ALUCP; this table defines uses to avoid and uses that are incompatible, summarized as follows:

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

- a. **Children's schools** - Public and private schools serving preschool through grade 12, excluding commercial services
- b. **Large child day care centers and noncommercial employer-sponsored centers ancillary to a place of business** - Commercial facilities defined in accordance with Health and Safety Code, Section 1596.70, et seq., and licensed to serve 15 or more children.
- c. **Hospitals, nursing homes**
- d. **Hazardous uses** – Uses involving the manufacture, storage, or processing of flammable, explosive, or toxic materials that would substantially aggravate the consequences of an aircraft accident. See Policy SP-3 of the SFO ALUCP for additional detail.

- e. **Critical public utilities** - Facilities that, if disabled by an aircraft accident, could lead to public safety or health emergencies. They include the following: electrical power generation plants, electrical substations, wastewater treatment plants, and public water treatment facilities.
- f. **Theaters (Live, and Movie or Similar), meeting halls, places of assembly seating more than 300 people**
- g. **Stadiums, arenas**

28. that all new development shall be required to comply with the real estate disclosure requirements of State law and General Plan as outlined in Policy IP-1 of the SFO ALUCP. The following statement must be included in the notice of intention to offer the property for sale or lease:

“Notice of Airport in Vicinity

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase or lease and determine whether they are acceptable to you.”;

29. that during construction, the applicant shall provide fencing (with a fabric screen or mesh) around the project site to ensure that all construction equipment, materials and debris is kept on site;
30. that storage of construction materials and equipment on the street or in the public right-of-way shall be prohibited;
31. that the applicant shall prepare a construction staging and traffic control plan for the duration of construction for review and acceptance by the City Engineer prior to the issuance of a building permit; the construction staging plan shall include construction equipment parking, construction employee parking, timing and duration of various phases of construction and construction operations hours; the staging plan shall address public safety and shall ensure that worker's vehicles and construction equipment shall not be parked in public parking areas with exceptions for construction parking along the street frontages of the project site;
32. that the project applicant and its construction contractor(s) shall develop a construction management plan for review and approval by the City of Burlingame. The plan must include at least the following items and requirements to reduce, to the maximum extent feasible, traffic and parking congestion during construction:
- a. A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes;
 - b. Identification of haul routes for movement of construction vehicles that would minimize impacts on motor vehicular, bicycle and pedestrian traffic, circulation and safety, and specifically to minimize impacts to the greatest extent possible on streets in the project area;
 - c. Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures would occur;
 - d. Provisions for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the project applicant; and
 - e. Designation of a readily available contact person for construction activities who would be responsible for responding to any local complaints regarding traffic or parking. This coordinator would determine the cause of the complaint and, where necessary, would implement reasonable measures to correct the problem.

33. that if construction is done during the wet season (October 1 through April 30), that prior to October 1 the developer shall implement a winterization program to minimize the potential for erosion and polluted runoff by inspecting, maintaining and cleaning all soil erosion and sediment control prior to, during, and immediately after each storm even; stabilizing disturbed soils throughout temporary or permanent seeding, mulching matting, or tarping; rocking unpaved vehicle access to limit dispersion of mud onto public right-of-way; covering/tarping stored construction materials, fuels and other chemicals;
34. that trash enclosures and dumpster areas shall be covered and protected from roof and surface drainage and that if water cannot be diverted from these areas, a self-contained drainage system shall be provided that discharges to an interceptor;
35. that this project shall comply with the state-mandated water conservation program, and a complete Irrigation Water Management and Conservation Plan together with complete landscape and irrigation plans shall be provided at the time of building permit application;
36. that all site catch basins and drainage inlets flowing to the bay shall be stenciled. All catch basins shall be protected during construction to prevent debris from entering;
37. that this proposal shall comply with all the requirements of the Tree Protection and Reforestation Ordinance adopted by the City of Burlingame in 1993 and enforced by the Parks Department; complete landscape and irrigation plans shall be submitted at the time of building permit application and the street trees will be protected during construction as required by the City Arborist;
38. that project approvals shall be conditioned upon installation of an emergency generator to power the sump pump system; and the sump pump shall be redundant in all mechanical and electrical aspects (i.e., dual pumps, controls, level sensors, etc.). Emergency generators shall be housed so that they meet the City's noise requirement;
39. that prior to issuance of a building permit, the applicant shall prepare and submit to the Department of Public Works – Engineering Division a sanitary sewer analysis that assesses the impact of this project to determine if the additional sewage flows can be accommodated by the existing sewer line. If the analysis results in a determination that the existing sewer line requires upgrading, the applicant shall perform the necessary upgrades as determined by the Engineering Division;
40. that a Protected Tree Removal Permit shall be required from the City of Burlingame Parks Division to remove any existing protected size trees on the subject property and that the project shall comply with the Tree Protection and Reforestation Ordinance adopted by the City of Burlingame and enforced by the Parks Department; complete landscape and irrigation plans shall be submitted at the time of building permit application and the street trees will be protected during construction as required by the City Arborist;
41. that the project shall comply with the Construction and Demolition Debris Recycling Ordinance which requires affected demolition, new construction and alteration projects to submit a Waste Reduction plan and meet recycling requirements; any partial or full demolition of a structure, interior or exterior, shall require a demolition permit;
42. that demolition or removal of the existing structures and any grading or earth moving on the site shall not occur until a building permit has been issued and such site work shall be required to comply with all the regulations of the Bay Area Air Quality Management District;
43. that the applicant shall comply with Ordinance 1503, the City of Burlingame Storm Water Management and Discharge Control Ordinance;

44. that the project shall meet all the requirements of the California Building and Uniform Fire Codes, as amended by the City of Burlingame;
45. that this project shall comply with Ordinance No. 1477, Exterior Illumination Ordinance;
46. that construction access routes shall be limited in order to prevent the tracking of dirt onto the public right-of-way, clean off-site paved areas and sidewalks using dry sweeping methods;

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

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

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

51. **Policy HP-3:12: Project-Specific Construction Best Practices.** The Project sponsor shall ensure implementation of the following BMPs during Project construction, in accordance with the BAAQMD's standard requirements:
 - All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, unpaved access roads) shall be watered two times per day.
 - All haul trucks transporting soil, sand, or other loose material offsite shall be covered.
 - All visible mud or dirt track-out onto adjacent public roads shall be removed using wet-power vacuum street sweepers at least once per day. The use of dry-power sweeping shall be prohibited.
 - All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - All roadways, driveways, and sidewalks that are to be paved shall be paved as soon as possible. Building pads shall be laid as soon as possible after grading, unless seeding or soil binders are used.
 - Idling times shall be minimized, either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure, Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
 - All construction equipment shall be maintained and properly tuned, in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - A publicly visible sign with the name and telephone number of the person to contact at the lead agency regarding dust complaints shall be posted. This person shall respond and take corrective

action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

52. **PSM-CUL-1: Undiscovered Archaeological Resources.** A qualified archaeologist shall conduct a pre-construction archaeological sensitivity training session for the excavation crew. This training will include an overview of what cultural resources are and provide information regarding why such resources are important, archaeological terms (such as site, feature, deposit), project site history, the types of cultural resources that are likely to be uncovered during excavation, the laws that protect cultural resources, and the protocol for unanticipated discoveries (see below). An "Alert Sheet" shall be posted in conspicuous locations on the project site to alert personnel to the procedures and protocols to follow after discovery of potentially significant precontact archaeological resources.
53. **PSM-CUL-1: Undiscovered Archaeological Resources.** In the event that archaeological resources are encountered during construction, work shall be halted within 100 feet of the discovery and the area avoided until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations. If the find is determined to be potentially significant, the archaeologist, in consultation with the Native American representative, shall develop a treatment plan, which could include site avoidance, capping, or data recovery.
54. **PSM-CUL-1: Undiscovered Archaeological Resources.** If human remains are unearthed during construction, pursuant to Section 50977.98 of the Public Resources Code and Section 7050.5 of the State Health and Safety Code, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains. The county coroner shall be informed to evaluate the nature of the remains. If the remains are determined to be of Native American in origin, the lead agency shall work with the NAHC and the applicant to develop an agreement for treating or disposing of the human remains.
55. **PSM-CUL-1: Undiscovered Archaeological Resources.** If archaeological resources are identified, a final report summarizing the discovery of cultural materials shall be submitted to the City's Community Development Director prior to issuance of building permits. This report shall contain a description of the mitigation program that was implemented and its results, including a description of the monitoring and testing program, a list of the resources found and conclusion, and a description of the disposition/curation of the resources.
56. **CS-4.7: Airport and Heliport Noise.** Monitor noise impacts from aircraft operations at San Francisco International Airport and Mills-Peninsula Medical Center, and implement applicable noise abatement policies and procedures as outlined in the Airport Noise Ordinance and Airport Land Use Compatibility Plan;
57. **CS-4.8: Airport Noise Evaluation and Mitigation.** Require project applicants to evaluate potential airport noise impacts if the project is located within the 60 CNEL contour line of San Francisco International Airport (as mapped in the Airport Land Use Compatibility Plan). All projects shall be required to mitigate impacts to comply with the interior and exterior noise standards established by the Airport Land Use Compatibility Plan;
58. **CS-4.10: Project-Specific Construction Noise Control Measures.** To reduce construction noise impacts, the project contractor(s) shall implement the following actions:
- In compliance with Chapter 18.07.110 of the Municipal Code, construction activities, including truck traffic coming to and from the construction site for any purpose, shall be limited to the hours of 8:00 a.m. to 7:00 p.m., Monday to Friday, and 9:00 a.m. to 6:00 p.m. on Saturdays, unless permission is granted with a development permit or other planning approval.

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

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

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

- Performance of a photo survey, elevation survey, and crack monitoring survey for the 1860 El Camino Real building. Surveys shall be performed prior to and after completion of vibration generating construction activities located within 20 feet of the structure. The surveys shall include internal and external crack monitoring in the structure, settlement, and distress, and shall document the condition of the foundation, walls and other structural elements in the interior and exterior of the structure.
- Conduct a post-survey on the 1860 El Camino Real building where either monitoring has indicated high levels or complaints of damage. Make appropriate repairs in accordance with the Secretary of the Interior's Standards where damage has occurred as a result of construction activities.
- The results of any vibration monitoring shall be summarized and submitted in a report shortly after substantial completion of each phase identified in the project schedule. The report will include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations. An explanation of all events that exceeded vibration limits will be included together with proper documentation supporting any such claims.
- Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.

60. **HP-5.2: Migratory Birds.** Avoid construction activities that involve tree removal between March and June, unless a bird survey has been conducted to determine that the tree is unused during the breeding season by avian species protected under California Fish and Game Codes 3503, 3503.5, and 3511;

61. **MM 12-1: Paleontological Assessment.** In areas containing middle to late Pleistocene-era sediments where it is unknown if paleontological resources exist, prior to grading an assessment shall be made by a qualified paleontological professional to establish the need for paleontological monitoring. Should paleontological monitoring be required after recommendation by the professional paleontologist and approval by the Community Development Director, paleontological monitoring shall be implemented.

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

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

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

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

Community Development Director before granting of building permits, and a final report shall be submitted, subject to approval by the Community Development Director before granting of occupancy permits.

Catherine Keylon
Senior Planner

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

Attachments:

One Year Extension Request Letter Submitted by the Applicant, dated September 28, 2021
October 26, 2020 Planning Commission Minutes
Application to the Planning Commission
Project Summary / Letter of Explanation, dated October 15, 2019
Planning Commission Resolution (Proposed)
Notice of Public Hearing – Mailed October 15, 2021
Area Map