

# City of Burlingame

## *Commercial Design Review, Mitigated Negative Declaration, Conditional Use Permit and Rear Setback Variance for a New Three-Story Commercial Building*

**Address:** 988 Howard Avenue

**Meeting Date:** January 11, 2016

**Request:** Design Review for an application for Environmental Review, Commercial Design Review, Conditional Use Permit for building height, and Rear Setback Variance for a new 3-story commercial building.

**Applicant:** Dimitrios Sogas

**APN:** 029-214-220

**Architect:** Toby Levy, Levy Design Partners

**Property Owners:** Robert Lugliani

**General Plan:** Shopping and Service- Downtown Specific Plan (Myrtle Road Mixed Use Area)

**Lot Area:** 15,352 (0.35 Acres)

**Zoning:** MMU (Myrtle Road Mixed Use Area)

**Adjacent Development:** Auto sales, service and storage; retail and personal service, multiple-family residential and single family residential, railroad right-of-way

**Current Use:** Gas Station/Automobile Repair

**Proposed Use:** 3- Story Commercial Building (retail/office)

**Allowable Use:** Retail, Personal Services, Business Services, Service Commercial, Office, Travel Agencies, Government Agencies.

**Project Summary:** The subject property is located at 988 Howard Avenue. The site is bound by three streets, East Lane, Howard Avenue and Myrtle Road. The narrowest portion of a parcel is considered the frontage for zoning purposes; in this case Myrtle Road is considered the front of the property. The site is currently occupied by a gas station and automobile repair shop. Abutting the property to the north is an automotive service garage, across the street to the south is an automobile storage lot, across the street to the east is a two-story mixed use building with retail and personal services on the ground floor and residential above, and across the street to the west are the railroad tracks with automobile sales and service beyond (along California Drive).

The applicant is proposing to construct a new three-story commercial building. The proposed building will contain 1,325 SF of retail space on the ground floor with 22,295 SF of office space on the two floors above. The proposal also includes a 3,800 SF roof deck. The building height proposed is 45-feet.

There will be at-grade parking located behind the lobby and retail space on the ground floor, with access off of East Lane. In addition there will be below-grade parking provided as well with access off of Howard Avenue with a total of 67 on-site parking spaces provided including one permanent car sharing space.

The retail space will be accessible from both Howard Avenue and Myrtle Road. The lobby to access the second and third floor office spaces will be along East Lane. At this time the office space is being designed to accommodate either a single tenant or multiple tenants. In addition to the roof deck that is proposed, both floors of office will provide multiple deck areas along the three street facing sides of the building.

The following applications are requested for this project:

- Commercial Design Review (Code Section 25.57.010(c));
- Conditional Use Permit for building height (45'-0" proposed where 35'-0" is the maximum allowed without a CUP) (C.S. 25.34.055);
- Rear Setback Variance (10'-0" rear setback proposed where 20'-0" is the minimum required) (C.S. 25.34.060(c))

The original application also included a request for a Parking Variance for 5 on-site parking spaces (68 on-site parking spaces provided where 73 parking spaces are required for the proposed uses). However the Downtown Specific Plan allows on-site parking requirements to be reduced by up to 10% (as determined by the Community Development Director) for developments with at least one car share facility provided on-site. The project has subsequently provided one permanent car share space (allowing a reduction of up to 7 spaces) and the Parking Variance request has been withdrawn from the application.

Table 1 below provides a comparison of the proposed project (including earlier versions) to the Myrtle Mixed Use (MMU) development standards.

**Table 1 – 988 Howard Avenue**

**Lot Area:** 15,352 SF (0.35 Acres)

**Plans date stamped:** January 4, 2016

	<b>ORIGINAL PROPOSAL JUNE 13, 2015</b>	<b>REVISED PROPOSAL AUGUST 12, 2015</b>	<b>CURRENT PROPOSAL JANUARY 4, 2016</b>	<b>ALLOWED/REQUIRED</b>			
<b>Use</b>	Office – 22,225 SF Retail Uses – 1,325 SF	Office – 22,295 SF Retail Uses – 1,325 SF	Office – 22,295 SF Retail Uses – 1,325 SF	Office Use – Permitted C.S. 25.34.020(e) Retail Use – Permitted C.S. 25.34.020(a)			
<b>SETBACKS</b>							
<b>Front: (Myrtle Road)</b>	20'-0"	20'-0"	20'-0"	10'-0"			
<b>Side (interior): (exterior):</b>	0 5'-0"	0 5'-0"	0 5'-0"	None Required None Required			
<b>Rear: (East Lane)</b>	10'-0" <sup>1</sup>	10'-0" <sup>1</sup>	10'-0" <sup>1</sup>	20'-0"			
<b>BUILDING ENVELOPE:</b>							
<b>Lot Coverage:</b>	20'-0"	20'-0"	20'-0"	11,514 SF 75%			
<b>Height:</b>	0 45'-0" <sup>12</sup>	0 45'-0" <sup>2</sup>	0 45'-0" <sup>2</sup>	Heights over 35'-0" require conditional use permit (up to a maximum of 45'-0")			
<b>OFF-STREET PARKING:</b>							
<b>Number of Parking Spaces:</b>	60 spaces <sup>3</sup>		68 spaces <sup>3</sup>		67 spaces <sup>4</sup>		Office - 1 space / 300 SF Retail - 1 space / 400 SF  Office: 20,880 SF/300= 69.6 spaces  Retail: 1,325 SF/400 = <u>3.31</u>  <b>Subtotal = 73 spaces</b> Carshare Bonus = 7 spaces max = 66 spaces
	Standard	44	Standard	30	Standard	30	
	ADA	3	ADA	3	ADA	3	
	Stacker	5	Stacker	27	Stacker	25	
	Tandem	8	Tandem	8	Tandem	8	
	<b>Total</b>	<b>60</b>	<b>Total</b>	<b>68</b>	Carshare	1	
					<b>Total</b>	<b>67</b>	

	<b>ORIGINAL PROPOSAL JUNE 13, 2015</b>	<b>REVISED PROPOSAL AUGUST 12, 2015</b>	<b>CURRENT PROPOSAL JANUARY 4, 2016</b>	<b>ALLOWED/REQUIRED</b>
<b>Drive Aisle/ Clear Back-up Space:</b>	24'-0"	24'-0"	24'-0"	24'-0" aisle for 90° parking or exit in 3 maneuvers or less
<b>Parking Space Dimensions:</b>	Standard spaces = 8'-6" x 18'	Standard spaces = 8'-6" x 18'	Standard spaces = 8'-6" x 18'	Standard spaces = 8'-6" x 18'
<b>Driveway Width:</b>	12'-0" driveway width- East Lane entrance (21 vehicles)	12'-0" driveway width- East Lane entrance (30 vehicles)	12'-0" driveway width- East Lane entrance (30 vehicles)	Parking areas with not more than 30 vehicle spaces shall have a minimum driveway width of 12'-0"
	18'-0" driveway width- Howard Avenue entrance (39 vehicles)	18'-0" driveway width- Howard Avenue entrance (38 vehicles)	18'-0" driveway width- Howard Avenue entrance (38 vehicles)	Parking areas with more than 30 vehicle spaces shall have a minimum driveway width of 18'-0"
<b>LANDSCAPING:</b>				
<b>Landscaping:</b>	78% (820 SF)	78% (820 SF)	78% (820 SF)	10% of front setback 1,050 x 10%= 105 SF

- 1 Rear setback variance requested for a 10'-0" rear setback where a minimum of a 20'-0" rear setback is required.
- 2 Conditional Use Permit required for 45'-0" height where 35'-0" is the maximum allowed without a CUP.
- 3 Parking variance had been requested for 5 spaces; 68 on-site parking spaces proposed where 73 on-site spaces are required. Variance request has been withdrawn with provision of carshare space.
- 4 Carshare bonus/credit requested for up to 10% reduction in onsite parking (maximum 7 spaces) for providing 1 permanent carshare space.

**June 8, 2015 Study Meeting:** On June 8, 2015 the Planning Commission held an environmental scoping meeting and design review study meeting for the proposed project. The commission had several comments at that meeting. Please refer to the attached minutes for the complete overview. A brief summary is provided below:

- Parking variance needs additional findings, hard to justify for a new building;
- Consider going two stories below for parking or add more stackers;
- Height is a concern; how will it fit in with the neighborhood- consider stepping back top floor;
- Concerned with Myrtle/Howard façade;
- Building is not a good extension of downtown or transition into the residential neighborhood;
- Design should provide a buffer between downtown and residential area; and
- Architectural style, scale and massing should blend with surrounding area.

The applicant submitted a response letter, revised plans and renderings date stamped August 12, 2015, to respond to the Planning Commission's comments.

**September 14, 2015 Study Meeting:** On September 14, 2015 the Planning Commission held a follow-up design review study meeting for the proposed project to consider the revisions that had been made to the design. Please refer to the attached minutes for the complete overview. A brief summary is provided below:

- Car sharing seems like a good opportunity;
- Parking variance may be difficult to support, though the shortage is modest;
- There are taller buildings in the area and this will not be the tallest. However building height should provide a buffer to the residential neighborhood to the East;
- Wings on front façade of previous design helped lessen the sense of mass;
- There may be more materials in the palette than necessary, and the logic in the material transitions needs to be more clear;
- Retail space will be a benefit, but may need designated parking depending on the specific use;
- Office is good for the location, and the building height provides a buffer from the railroad tracks.

The applicant submitted revised plans and renderings date stamped January 4, 2016, to respond to the Planning Commission's comments.

**Environmental Review:** The June 8, 2015 Planning Commission meeting included environmental scoping as well as design review. An Initial Study (IS) was prepared by Circlepoint environmental consultants. Based on the Initial Study, a Mitigated Negative Declaration (MND) has been prepared for review by the Planning Commission. As presented the Mitigated Negative Declaration identified issues that were "less than significant with mitigation incorporation" in the areas of aesthetics, air quality, biological resources, cultural resources, geology/soils, hazards/hazardous materials, and noise. Based upon the mitigation measures identified in the Initial Study, it has been determined that the proposed project can be addressed by a Mitigated Negative Declaration since the Initial Study did not identify any adverse impacts which could not be reduced to acceptable levels by mitigation (please refer to the attached Initial Study/Mitigated Negative Declaration No. 587-P). The mitigation measures in the Initial Study have been incorporated into the recommended conditions of approval (in italics). The Mitigated Negative Declaration was circulated for public review on November 16, 2015, and the required 20-day public review period concluded on December 7, 2015. No comments were received during the review period, and no comments on the IS/MND have been received as of the publication of this staff report.

**Design Review:** Design Review is required for new commercial buildings pursuant to C.S. 25.57.010(c)(1). Design Review was instituted for commercial projects in 2001 with the adoption of the Commercial Design Guidebook. While there was already a design review study session for this project on June 8, 2015 the applicant requested a second study meeting to get additional feedback on the revised project from the Planning Commission while the CEQA document for this project is being prepared.

The subject property is located within the boundaries of the Downtown Special Plan therefore in addition to the guidelines provided in the Commercial Design Guidebook, there are design recommendations provided in the Chapter 5.0 of the Downtown Specific Plan that apply to the proposed project. The site is located in the Myrtle Road Mixed Use Area, which has specific design provisions that apply as noted in Section 5.2.4 (Page 5-7) of the Downtown Specific Plan.

**General Plan and Zoning:** The Burlingame General Plan designates this site for Shopping and Service Uses. In 2010 the City Council adopted the Burlingame Downtown Specific Plan, which serves as an element of the General Plan. The subject property is located within the boundaries of the planning area for the Downtown Specific Plan, specifically in the Myrtle Road Mixed Use Area. The Plan describes the Myrtle Road Mixed Use Area as follows:

*The Myrtle Road Mixed Use area is centered on Myrtle Road and East Lane, east of the CalTrain railroad tracks. Development will be consistent with the existing neighborhood scale of*

*small streets and mix of varied commercial and residential buildings. Existing residential and commercial properties could be improved and expanded at a scale consistent with the adjacent residential areas. The area is meant to serve as a buffer between the downtown commercial district and the residential neighborhoods to the east.*

**Parking and Trip Generation:** The code requires one parking space for each 300 SF of office space and one parking space per 400 SF of retail space, for a total of 73 on-site parking spaces required given the proposed square footage. However the Downtown Specific Plan allows on-site parking requirements to be reduced by up to 10% for developments with at least one car share facility provided on-site, which would reduce the required parking to a minimum of 66 spaces. The project includes 67 on-site spaces, including a car share space.

The ground floor includes 29 spaces tucked behind the retail space and office lobby with an entrance along Howard Avenue. The ground floor parking includes five, 5-car puzzle stackers, three accessible parking spaces, and one car share space. A puzzle stacker is a mechanical parking option that provides independent access to all cars parked on the system. Below grade in the underground garage there will be 38 parking spaces with access from a driveway along East Lane. Eight of the 38 spaces will be provided as tandem spaces.

The Municipal Code does not include specifications for parking lifts or stackers, so the City currently does not have a standard mechanism for review and approval. However, as a policy the Downtown Specific Plan encourages “creative approaches” to providing on-site parking including parking lifts. The parking lifts and tandem spaces could each be considered “creative approaches” to providing the required on-site parking. Other Bay Area communities including neighboring San Mateo have approved similar projects with parking lifts. In Burlingame, two residential projects have been approved with parking lifts (one completed at 1225 Floribunda Avenue, one approved but not built at 1433 Floribunda Avenue.)

Furthermore the Municipal Code does not include specifications for the provision of car sharing, though the Downtown Specific Plan provides direction with the provision: *On-site parking requirements may be reduced by up to 10% (as determined by the Community Development Director) for developments with at least one car share facility provided on-site. The car share program would require recorded easements which must be maintained indefinitely and cannot be modified without the City’s consent* (Downtown Specific Plan page 3-12). Car sharing allows people to rent vehicles for a short period time, generally for a few hours or even a fraction of an hour. Zipcar is one of the more familiar commercial car share providers, but there are a variety of providers offering the service, and some companies choose to operate their own car sharing in the form of fleet or “pool” vehicles. In general, car sharing is one of many tools in a Transportation Demand Management (TDM) strategy that cities use to reduce the impacts on the region’s transportation system. Car sharing can reduce private automobile ownership, reduce vehicle miles traveled (VMT) and help encourage the use of transit because there would be reliable transportation available once someone gets off the transit system. For example, office employees may be more likely to utilize transit for their commute if they know a car would be available for midday errands.

As further information the applicant has prepared trip generation and parking demand analyses for the proposed project. The analysis, prepared by Nelson Nygaard is attached for reference, memo dated March 4, 2015 and September 8, 2015. In summary the trip generation analyses indicate that due to the project location near the Caltrain station and services, such as Samtrans Route 292 (connects to San Francisco and Millbrae BART), bike routes, pedestrian connectivity and retail services that the number of trips generated will be reduced by 16.2% when compared to standard ITE trip generation rates. The parking demand analysis used ITE's Parking Generation Manual, 4<sup>th</sup> Edition, and when compared to the City’ parking requirements the study indicates that the project would generate a demand for 59 spaces where the City’s Zoning Code requires 73 spaces. The proposed project will provide 67 on-site parking spaces. Using standard ITE trip generation rates, the existing gas and service station use generates 674 daily trips, where the proposed office use would

generate 256 daily trips. However, staff notes that approximately two years ago the owner ceased gasoline sales and currently the site operates as an automobile repair shop only. The gasoline tanks are still on-site and hypothetically the gasoline station use could resume in the future.

**Rear Setback Variance Request:** Code Section 25.34.060 (c) requires properties in the MMU (Myrtle Road Mixed Use) zone to have a rear setback of at least 20-feet. The subject property is bordered by three streets, with Myrtle Road considered the front and East Lane considered the rear of the property. The properties along Myrtle Road are a mix of residential and retail /personal service uses, where East Lane acts as a frontage road along the railroad tracks. In order to have more of an interface with the existing neighborhood the applicant wishes to provide a larger front setback along Myrtle Road and essentially swap the front and rear setback requirement. The project will provide a 20-foot front setback along Myrtle Road, where only 10-feet is required and a 10-foot rear setback along East Lane where 20-feet is required, which will require approval of a rear setback variance.

**Conditional Use Permit Request for Height:** The Myrtle Road Mixed Use District states that no building shall exceed a height of 45-feet. A conditional use permit is required for any building which exceeds thirty-five (35) feet in height. The proposed height, measured to the top of the parapet, will be 45 feet (from average top of curb).

**Public Impact Fees:** The purpose of public impact fees is to provide funding for necessary maintenance and improvements created by development projects. In imposing such fees, cities must necessarily establish a “nexus” between the fee and the impact of a proposed development. Based upon the proposed size of the project, the public impact fees for the project total \$202,439.97, based upon the following breakdown:

Service Area	Commercial/Retail 1,325 SF (fee calculated per 1000 SF)	Office 22,295 SF (fee calculated per 1000 SF)	Existing Automobile Use 4,848 SF (fee calculated per 1000 SF)
General Facilities & Equipment	\$640 x 1.325 = \$848.00	\$930 x 22.295 = \$20,734.35	\$(640) x 4.848 = \$(3,102.72)
Libraries	Not applicable	Not applicable	Not applicable
Police	\$102 x 1.325 = \$135.15	\$147 x 22.295= \$3,277.37	\$(102) x 4.848 = \$(494.50)
Parks and Recreation	\$118 x 1.325 = \$156.35	\$172 x 22.295= \$3,834.75	\$(118) x 4.848 = \$(572.06)
Streets and Traffic	\$1810 x 1.325 = \$2398.25	\$7,285 x 22.295= \$162,419.08	\$(1810) x 4.848 = \$(8,774.88)
Fire	\$248 x 1.325 = \$328.60	\$360 x 22.295= \$8,026.20	\$(248) x 4.848 = \$(1,202.30)
Storm Drainage	\$442 x 1.325 = \$585.65	\$717 x 22.295= \$15,985.52	\$(442) x 4.848 = \$(2,142.82)
Subtotal	\$4,452.00	\$214,277.25	\$(16,289.28)
Total	\$218,729.25 \$ (16,289.28) (credit for existing automobile use) <b>\$202,439.97</b>		

This fee is required to be paid in full prior to issuance of a building permit.

**Staff Comments:** See attached comments from the Chief Building Division, Parks Division, Engineering Division, Stormwater Division and Fire Division.

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

**Design Review Criteria:** The criteria for Commercial Design Review as established in Ordinance No. 1652 adopted by the Council on April 16, 2001 are outlined as follows:

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

**Findings for a Conditional Use Permit:** In order to grant a Conditional Use Permit for building height, the Planning Commission must find that the following conditions exist on the property (Code Section 25.52.020, a-c):

- (a) The proposed use, at the proposed location, will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare or convenience;
- (b) The proposed use will be located and conducted in a manner in accord with the Burlingame general plan and the purposes of this title;
- (c) The planning commission may impose such reasonable conditions or restrictions as it deems necessary to secure the purposes of this title and to assure operation of the use in a manner compatible with the aesthetics, mass, bulk and character of existing and potential uses on adjoining properties in the general vicinity.

**Required Findings for Variance:** In order to grant a Rear Setback Variance, the Planning Commission must find that the following conditions exist on the property (Code Section 25.54.020 a-d):

- (a) there are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to property in the same district;
- (b) the granting of the application is necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship;

- (c) the granting of the application will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare or convenience; and
- (d) that the use of the property will be compatible with the aesthetics, mass, bulk and character of existing and potential uses of properties in the general vicinity.

**Planning Commission Action:** The Planning Commission should hold a public hearing. Affirmative action should be by resolution and include findings for accepting the environmental document (Mitigated Negative Declaration), Commercial Design Review, Conditional Use Permit for building height, and Rear Setback Variance. The reasons for any action should be clearly stated for the record.

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

At the public hearing the following mitigation measures and conditions should be considered:

1. that the project shall be built as shown on the plans submitted to the Planning Division date stamped January 4, 2016, sheets A0.0 through A4.1, C-1, L-1.1 through L-2.2;
2. that prior to issuance of a building permit for construction of the project, the project construction plans shall be modified to include a cover sheet listing all conditions of approval adopted by the Planning Commission, or City Council on appeal; which shall remain a part of all sets of approved plans throughout the construction process. Compliance with all conditions of approval is required; the conditions of approval shall not be modified or changed without the approval of the Planning Commission, or City Council on appeal;
3. that any changes to the size or envelope of building, which would include changing or adding exterior walls or parapet walls, shall require an amendment to this permit;
4. that any changes to building materials, exterior finishes, windows, architectural features, roof height or pitch, and amount or type of hardscape materials shall be subject to Planning Division or Planning Commission review (FYI or amendment to be determined by Planning staff);
5. that the maximum elevation at the top of the roof parapet shall not exceed elevation 141.56' for a maximum height of 45'-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 ground floor finished floor shall be elevation 97.78'; second floor finished floor shall be elevation 111.78'; third floor finished floor shall be elevation 124.78', and the roof level shall be elevation 137.78'. 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;
6. that the project shall include at least one dedicated off-street, car share parking space with the following requirements:
  - a. the car share space shall be maintained in perpetuity and cannot be modified without the City's consent;



- b. the car share space shall be clearly labeled both with painted in-ground signage as well as eye-level signage;
  - c. the car share space shall be accessible to tenants of the building and at the discretion of the building owner may also be available to non-tenant subscribers from outside the building;
  - d. the dimensions of the car share space shall be in accordance with requirements set forth in the Zoning Code for off-street parking spaces.
7. that the 66 on-site parking spaces (excluding the car share space) shall be used only for the tenants and visitors of the commercial/retail and office facilities on this site and shall not be leased or rented for storage of automobiles or goods either by individuals or businesses not on this site or by other businesses for off-site parking;
  8. that the conditions of the Building Division's March 20, 2015 and May 14, 2015 memos, the Park's Division's March 16, 2015 and May 19, 2015 memos, the Engineering Division's April 13, 2015 memo, the Stormwater Division's March 17, 2015 and May 12, 2015 memos, and the Fire Division's March 26, 2015 and May 14, 2015 memos shall be met;
  9. that prior to issuance of a building permit for the project, the applicant shall pay the first half of the public facilities impact fee in the amount of \$101,219.00, made payable to the City of Burlingame and submitted to the Planning Division;
  10. that prior to scheduling the final framing inspection, the applicant shall pay the second half of the public facilities impact fee in the amount of \$101,220.97., made payable to the City of Burlingame and submitted to the Planning Division;
  11. 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;
  12. 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;
  13. 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;
  14. that storage of construction materials and equipment on the street or in the public right-of-way shall be prohibited;
  15. that the applicant shall comply with Ordinance 1503, the City of Burlingame Storm Water Management and Discharge Control Ordinance;
  16. that the project shall meet all the requirements of the California Building and Uniform Fire Codes, 2013 Edition, as amended by the City of Burlingame;

***The following five (5) conditions shall be met during the Building Inspection process prior to the inspections noted in each condition:***

17. that prior to scheduling the foundation inspection a licensed surveyor shall locate the property corners, set the building envelope;
18. that prior to the underfloor frame inspection the surveyor shall certify the first floor elevation of the new structure;
19. 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;
20. that prior to scheduling the roof deck inspection, a licensed surveyor shall shoot the height of the roof parapet and provide certification of that height to the Building Division;
21. 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**

22. *The project developer shall install low-profile, low-intensity lighting directed downward to minimize light and glare. Exterior lighting shall be low mounted, downward casting, and shielded. In general, the light footprint shall not extend beyond the periphery of each property. Implementation of exterior lighting fixtures on all buildings shall also comply with the standard California Building Code (Title 24, Building Energy Efficiency Standards) to reduce the lateral spreading of light to surrounding uses, consistent with Burlingame Municipal Code Section 18.16.030 that requires that all new exterior lighting for commercial developments be designed and located so that the cone of light and/or glare from the light element is kept entirely on the property or below the top of any fence, edge or wall.*

#### **Air Quality**

23. *The contractor shall implement the following best management practices:*
  - 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 power sweeping is prohibited.*
  - d. *All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.*
  - e. *All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.*

- f. *Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.*
  - 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 City of Burlingame regarding dust complaints. This person shall respond and take corrective action within 48 hours. Bay Area Air Quality Management District (BAAQMD) phone number shall also be visible to ensure compliance with applicable regulations.*
24. *The contractor shall select specific equipment during construction in order to minimize emissions. The equipment selection would include the regulation that all diesel-powered equipment larger than 50 horsepower and operating on the site for more than two days continuously shall, at a minimum, meet the U.S. EPA particulate matter standards for Tier 2 engines or equivalent.*

### **Biological Resources**

25. *If construction activities would commence anytime during the nesting/breeding season of native bird species potentially nesting near the site (typically February through August in the project region), a pre-construction survey for nesting birds would be conducted by a qualified biologist within two weeks of the commencement of construction activities. The pre-construction survey would encompass the project site and surrounding area, within 150 feet, so as to account for construction-related noise.*

### **Cultural Resources**

26. *In the event archaeological resources are encountered during construction, work will be halted within 100 feet of the discovered materials and workers will avoid altering the materials and their context until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations.*
27. *A discovery of a paleontological specimen during any phase of the project shall result in a work stoppage in the vicinity of the find until it can be evaluated by a professional paleontologist. Should loss or damage be detected, additional protective measures or further action (e.g., resource removal), as determined by a professional paleontologist, shall be implemented to mitigate the impact.*
28. *In the event that human remains are discovered during project construction, 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 origin, the Lead Agency shall work with the Native American Heritage Commission and the applicant to develop an agreement for treating or disposing of the human remains.*

### **Geology and Soils**

29. *Project design and construction shall adhere to Title 18, Chapter 18 of the Burlingame Municipal Code, and demonstrate adherence to the latest seismic design parameters as required by the California Building Code including, but not limited to, anchorage, load combinations, and structure integrity.*

### **Hazards and Hazardous Materials**

30. *The contractor shall comply with Title 8, California Code of Regulations/Occupational Safety and Health (OSHA) requirements that cover construction work where an employee may be exposed to lead. This includes the proper removal and disposal of peeling paint, and appropriate sampling of painted building surfaces for lead prior to disturbance of the paint and disposal of the paint or painted materials.*
31. *The applicant shall contract a Certified Asbestos Consultant to conduct an asbestos survey prior to disturbing potential asbestos containing building materials and shall implement the Consultant's recommendations for proper handling and disposal.*
32. *The applicant shall prepare, and submit, a Soils Management Plan (SMP) to the San Mateo County Health Department for approval, prior to the issuance of a building permit. The SMP will address the possibility of encountering subsurface contaminants, including groundwater, during construction activities, and the measures for identifying, handling, and disposing of subsurface contaminants. The SMP shall be submitted to the City prior to issuance of a building permit.*
33. *The contractor shall ensure the appropriate handling, storing, and sampling of any soil to be removed from the subject property, as per the SMP, so as to eliminate potential health and safety risks to the public, including construction workers.*
34. *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 SMP.*
35. *Workers handling demolition and renovation activities at the project site shall be trained in the safe handling and disposal of residual chemicals, solvents, heavy metals, motor and transmission oils, lubes, greases, antifreeze, Freon, solvents, and lead-acid batteries etc. associated with the former gas station and auto repair maintenance shop.*

### **Noise**

36. *The contractor shall ensure that the interior noise levels are maintained at or below 50 dBA Leq (1-hr). Treatments would include, but are not limited to, sound-rated wall and window constructions, acoustical caulking, protected ventilation openings, etc. The specific determination of what noise insulation treatments are necessary shall be conducted on a room-by-room basis during final design of the project. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans and approved design, prior to issuance of a building permit.*
37. *The contractor shall install forced-air mechanical ventilation, as determined by the local building official, for all exterior-facing rooms of the office building so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards.*

Kevin Gardiner  
Planning Manager

Catherine Barber  
Senior Planner

- c. Dimitrios Sogas, applicant  
Toby Levy of Levy Design Partners, project architect  
Robert Lugliani, property owner

Attachments:

Planning Commission Environmental Scoping and Design Review Study Minutes - June 8, 2015

Planning Commission Design Review Study Minutes - September 14, 2015

Application to the Planning Commission

Project Description, submitted by the applicant

Environmental Information Form, submitted by the applicant

Conditional Use Permit Application

Variance Application

Nelson/Nygaard

- Vehicle Trip Generation and Parking Demand Analysis Memo, dated March 4, 2015
- Trip Generation Analysis, dated September 8, 2015

Neighborhood Photos

Staff Comments

Proposed Resolution (available at public hearing)

Notice of Public Hearing – Mailed December 31, 2015

Aerial Photo

Separate Attachment:

Initial Study/Mitigated Negative Declaration, dated January 7, 2016