

City of Burlingame
One-Year Extension

Address: 1431 El Camino Real

Meeting Date: April 8, 2019

Request: Application for a One Year Extension of a previously approved Mitigated Negative Declaration, Condominium Permit, Design Review and Parking Variance for the use of mechanical parking lifts and Tentative Condominium Map for construction of a new 3-story, 6-unit condominium building.

Applicant: Levy Design Partners

APN: 026-013-110

Property Owner: GGH Investment LLC

Lot Area: 7,721 SF

General Plan: Medium-High Density Residential

Zoning: R-3

Burlingame Downtown Specific Plan (R-3 Base District)

Adjacent Development: Multifamily residential to north, south and east; single family residential at the rear (west)

CEQA Status: The proposed project is covered by Mitigated Negative Declaration 598-P, approved February 12, 2018.

Current Use: 4-unit apartment building

Proposed Use: 6-unit condominium building

Allowable Use: Multifamily, duplex, and single family residential

Summary of Request: The applicant is requesting a one year extension of a previously approved application for a Mitigated Negative Declaration, Condominium Permit, Design Review and Parking Variance for the use of mechanical parking lifts and Tentative Condominium Map for construction of a new 3-story, 6-unit condominium building. The application was approved by the Planning Commission on February 12, 2018 (see attached February 12, 2018 Planning Commission Minutes).

The Planning Commission approval of this application became effective on March 8, 2018. This approval is valid for a period of one year during which time a building permit must be issued. The applicant has not yet applied for a building permit. In the extension request letter, dated March 8, 2019 the applicant notes that he acquired the property following approval of the entitlements and has been working on securing consultants to prepare the construction drawings, but has had some trouble assembling a full team. However, the tentative parcel map for the project was submitted to the Public Works Department and the City Council approved the tentative and final subdivision map for the project on March 4, 2019. An additional one-year extension may be considered by the Planning Commission. If the extension is not granted, the property owner must reapply with a new application.

Project Summary of Previously Approved Project: The applicant is proposing to demolish the existing 4-unit apartment building and the detached garage structure at the rear and construct a new, three-story, 6-unit residential condominium building. The subject property is zoned R-3 and has a General Plan land use designation of Medium-High Density residential with 21-50 dwelling units per acre, which allows up to 8 units. The application is for 6 units which is a density of 35 dwelling units per acre.

The proposed residential condominium building will have 6 units side-by-side and will be 3 stories in height. Each unit will have a ground level parking garage that will include a mechanical automobile stacker. The garage will have a 13'-3" plate height to accommodate 2 covered parking spaces; one on top of the other. There will be two living levels located above the garage. The overall proposed height is 35 feet. There will be 2 at-grade, guest parking spaces located in the right rear corner. There is also a dedicated service/delivery vehicle space located in the rear yard area. The entrance to each of the units is located on the north facing (driveway) side of the project.

The project includes 6 two-bedroom, 2.5 bathroom condominium units. The average unit size proposed is 1,097 SF, with the units ranging from 1,064 SF through 1,195 SF. Condominium projects are required to provide 100 SF of common open space per unit and a minimum of 75 SF of private open space per unit. The proposed project meets these requirements with 608 SF of common open space in the rear yard and a minimum of 75 SF of private open space per unit with private balconies. The unit break down on size and open space is provided on sheet A0.3.

The parking required is based on the number of bedrooms. Each 2 bedroom unit is required to provide 2 off-street parking spaces, 80% of which must be covered spaces. The proposed project will provide 12 on-site parking spaces that will be provided in the form of mechanical, stacked auto lifts (parking lifts). The subject property is not located within the boundaries of the plan area for the Downtown Specific Plan, where parking options, such as lifts, are allowed by right. Therefore a parking variance is required for the parking lifts; a variance application is included as part of this application.

In addition, Code Section 25.30.070 (a)(2) requires 2 on-site guest parking spaces for new condominium projects with 5-15 units. The two guest parking spaces meet all dimensional standards and are located in the right rear corner of the property. In addition, Code Section 25.30.070(a)(3) requires one on-site service and/or delivery vehicle space, which is provided in the rear setback. All of the on-site parking will be accessed from a 12-foot wide driveway.

Code section 26.30.070(e)(1)) requires that 50% of the front setback be landscaped. The applicant is proposing 56.9% (586 SF) landscaping in the front yard where 50% (514 SF) is the minimum required. The project meets all other zoning code and condominium permit requirements.

The following applications were approved for this project:

- Design Review for construction of a new three-story, 6-unit condominium building (C.S. 25.28.020);
- Condominium Permit (Tentative Condominium Map) required for construction of new condominium building (C.S. 26.30.020)' and
- Parking Variance for the use of mechanical parking lifts to provide the required parking spaces (C.S. 25.70.032).

1431 El Camino Real**Plans date stamped: March 8, 2019**

	APPROVED	ALLOWED/REQUIRED
Front (1st flr): (2nd flr): (3rd flr): (4th flr): (5th flr):	20'-7" 20'-7" 20'-7" 20'-7" 20'-7"	20'-7" (block average)
Left Side (1st flr): (2nd flr): (3rd flr):	5'-0" 6'-0" 7'-0"	5'-0" 6'-0" 7'-0"
Right Side (1st flr): (2nd flr): (3rd flr):	13'-0" 10'-0" 10'-0"	5'-0" 6'-0" 7'-0"

	APPROVED	ALLOWED/REQUIRED
Rear (1st flr):	20'-0"	20'-0"
(2nd flr):	20'-0"	20'-0"
(3rd flr):	20'-0"	20'-0"
Lot Coverage:	3,758 SF 48.6%	3,860 SF 50%
Building Height:	35'-0"	55'-0" maximum/ CUP required to exceed 35'-0"
Off-Street Parking:	12 condo unit spaces (6 spaces + 6 spaces provided in lifts) ¹ 2 Guest Spaces 1 Service Vehicle Space	6 (2-bdr units) x 2 = 1 Guest spaces = 2* Service Vehicle = 1* <hr/> Total = 15 spaces*
Driveway Width:	12'-0"	12'-0" required
Front Setback Landscaping:	56.9% 586 SF	50% 514 SF

¹ Parking Variance for using mechanical parking lift to provide code required number of spaces (C.S. 25.70.032).

Staff Comments: Comments from the previously approved application are attached; there are no new comments.

Suggested Findings for a One Year Extension of a Previously Approved Mitigated Negative Declaration, Condominium Permit, Design Review and Parking Variance: Based on the findings stated in the attached minutes of the Planning Commission's February 12, 2018, Regular Action Meeting and that there are no changes proposed to the previously approved applications for a new 3-story, 6-unit condominium building, the project is found to be compatible with the criteria for the Mitigated Negative Declaration, Design Review, Condominium Permit and Parking Variance.

Planning Commission Action to Extend Permit to March 8, 2020:

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.

Please note that the conditions below include mitigation measures taken from the Mitigated Negative Declaration (shown in *italics*). 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 March 8, 2019, sheets A0.0 through A5.3;
2. 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 \$5,537.00, made payable to the City of Burlingame and submitted to the Planning Department;

3. that prior to scheduling the final framing inspection for the condominium building, the applicant shall pay the second half of the Public Facilities Impact fee in the amount of \$5,537.00, made payable to the City of Burlingame and submitted to the Planning Department;
4. parking lifts, three (3) Klaus 2061-190 and three (3) Klaus 2061-200, or an equivalent parking lifts, shall be installed in the garage of each residential unit, with the following conditions:
 - a. that the interior clearance height of the garages shall be at least 13'-3"0, measured from floor to ceiling- as show on sheet A4.1 of the plans, in order to permit the parking of sport utility vehicles on the parking lifts;
 - b. the parking lifts shall be properly illuminated to provide safety for easy loading and unloading, while not causing excessive glare.
 - 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 final design of the parking lifts shall be subject to the review and approval of the Community Development Director.
5. 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;
6. that the applicant shall apply for a tentative and final condominium map with the Public Works, Engineering Division for processing in conformance with the Subdivision Map Act;
7. that the applicant shall apply for an encroachment permit from the Department of Transportation for any work proposed in the state right-of-way;
8. that the applicant shall coordinate with Caltrans and a licensed arborist to replant the existing elm tree within the Caltrans right-of-way in front of the subject property a few feet to the south (left) in order to accommodate the new driveway location in accordance with the SOIS Action Plan and the ESA Action Plan;
9. that the applicant shall implement tree protection measures for the (second) elm tree that currently exists within the planter strip in front of the subject property that will be retained as part of this project in accordance with the SOIS Action Plan and the ESA Action Plan (see appendices of the IS/MND);
10. that documentation with exhibits that show detailed project construction plans including work on the driveway, sidewalk adjacent to the two elm trees in the planter strip, and a description of any other ground-disturbing work within 100-feet of the matures trees shall be submitted to the Department of Transportation for review and approval of an encroachment permit. The documentation should describe efforts to avoid affecting the trees and if avoidance is impossible, efforts to lessen the impact on the trees must be described and shall be in accordance with the SOIS Action Plan and the ESA Action Plan (see appendices of the IS/MND);
11. that the maximum elevation at the top of the roof ridge shall not exceed elevation 49.75' as measured from the average elevation at the top of the curb along El Camino Real (14.75') for a maximum height of 35'-0", and that the top of each floor and final roof ridge shall be surveyed and approved by the City Engineer as the framing proceeds and prior to final framing and roofing inspections. The garage/first floor finished floor elevation shall be elevation 16.86'; second floor finished floor shall be elevation 29.58'; third floor finished floor shall be elevation 39.91'. 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;

12. 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;
13. that the conditions of the Building Division memos dated February 27, 2017 and October 3, 2016; Parks Division memos dated October 5, 2016; the Engineering Division memos dated February 24, 2017 and October 7, 2016; the Fire Division memos dated October 12, 2016; and the Stormwater Division memos dated November 14, 2016 shall be met;
14. that storage of construction materials and equipment on the street or in the public right-of-way shall be prohibited;
15. 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;
16. 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;
17. that the final inspection shall be completed and a certificate of occupancy issued before the close of escrow on the sale of each unit;
18. 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;
19. 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;
20. that any security gate system across the driveway shall be installed a minimum 20'-0" back from the front property line;
21. that prior to underfloor frame inspection the surveyor shall certify the first floor elevation of the new structure(s) and the various surveys shall be accepted by the City Engineer;
22. that all runoff created during construction and future discharge from the site shall be required to meet National Pollution Discharge Elimination System (NPDES) standards;
23. that the applicant shall submit an erosion and sedimentation control plan describing BMPs (Best Management Practices) to be used to prevent soil, dirt and debris from entering the storm drain system; the plan shall include a site plan showing the property lines, existing and proposed topography and slope; areas to be disturbed, locations of cut/fill and soil storage/disposal areas; areas with existing vegetation to be protected; existing and proposed drainage patterns and structures; watercourse or sensitive areas on-site or immediately downstream of a project; and designated construction access routes, staging areas and washout areas;

24. that methods and procedures such as sediment basins or traps, silt fences, straw bale dikes, storm drain inlet protection such as soil blanket or mats, and covers for soil stock piles to stabilize denuded areas shall be installed to maintain temporary erosion controls and sediment control continuously until permanent erosion controls have been established;
25. that construction access routes shall be limited in order to prevent the tracking of dirt onto the public right-of-way, clean off-site paved areas and sidewalks using dry sweeping methods;
26. that if construction is done during the wet season (October 15 through April 15), that prior to October 15 the developer shall implement a winterization program to minimize the potential for erosion and polluted runoff by inspecting, maintaining and cleaning all soil erosion and sediment control prior to, during, and immediately after each storm even; stabilizing disturbed soils throughout temporary or permanent seeding, mulching matting, or tarping; rocking unpaved vehicle access to limit dispersion of mud onto public right-of-way; covering/tarping stored construction materials, fuels and other chemicals;
27. that common landscape areas shall be designed to reduce excess irrigation run-off, promote surface filtration and minimize the use of fertilizers, herbicides and pesticides;
28. that trash enclosures and dumpster areas shall be covered and protected from roof and surface drainage and that if water cannot be diverted from these areas, a self-contained drainage system shall be provided that discharges to an interceptor;
29. that this project shall comply with Ordinance 1845, the City of Burlingame Water Conservation in Landscaping Regulations, and complete landscape and irrigation plans shall be provided at the time of building permit application;
30. that all site catch basins and drainage inlets flowing to the bay shall be stenciled. All catch basins shall be protected during construction to prevent debris from entering;
31. that all new utility connections to serve the site, and which are affected by the development, shall be installed to meet current code standards and local capacities of the collection and distribution systems shall be increased at the developer's expense if necessary;
32. that all utilities to this site shall be installed underground. Any transformers needed for this site shall be installed underground or behind the front setback on this site;
33. that sewer laterals from the site to the public sewer main shall be checked and shall be replaced to city standards as required by the development;
34. that all abandoned utilities and hookups shall be removed;
35. that all drainage (including water from the below grade parking garage) on site shall be required to be collected and pumped to the street as determined by the Public Works Department;
36. that demolition of the existing structures and any grading or earth moving on the site shall be required to comply with all the regulations of the Bay Area Air Quality Management District;
37. that the applicant shall install fire sprinklers and a fire alarm system monitored by an approved central station prior to the final inspection for building permit;
38. that all construction shall abide by the construction hours established in the Municipal Code;

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

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

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

Mitigation Measures from Initial Study
Cultural Resources

46. *Unanticipated Discovery of Archaeological Resources. All construction crew members shall be alerted to the potential to encounter sensitive archaeological material. In the event that archaeological resources (sites, features, or artifacts) are exposed during construction activities for the proposed project, all construction work occurring within 100 feet of the find shall immediately stop until a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, can evaluate the significance of the find and determine whether additional study is warranted. Prehistoric archaeological deposits may be indicated by the presence of discolored or dark soil, fire-affected material, concentrations of fragmented or whole marine shell, burned or complete bone, non-local lithic materials, or a characteristic observed to be atypical of the surrounding area. Common prehistoric artifacts may include modified or battered lithic materials; lithic or bone tools that appeared to have been used for chopping, drilling, or grinding; projectile points; fired clay ceramics or non-functional items; and other items. Historic-age deposits are often indicated by the presence of glass bottles and shards, ceramic material, building or domestic refuse, ferrous metal, or old features such as concrete foundations or privies. Depending on the significance of the find under CEQA (14 CCR 15064.5[f]; Public Resources Code Section 21082), the archaeologist may simply record the find and allow work to continue. If the discovery proves significant under CEQA, additional work, such as preparation of an archaeological treatment plan, testing, or data recovery, may be warranted.*

47. *Unanticipated Discovery of Human Remains.* In accordance with Section 7050.5 of the California Health and Safety Code, if human remains are found, the county coroner shall be immediately notified of the discovery. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the county coroner has determined, within 2 working days of notification of the discovery, the appropriate treatment and disposition of the human remains. If the county coroner determines that the remains are, or are believed to be, Native American, he or she shall notify the Native American Heritage Commission (NAHC) in Sacramento within 24 hours. In accordance with California Public Resources Code, Section 5097.98, the NAHC must immediately notify those persons it believes to be the most likely descendant from the deceased Native American. The most likely descendant shall complete his/her inspection within 48 hours of being granted access to the site. The designated Native American representative would then determine, in consultation with the property owner, the disposition of the human remains.
48. *Unanticipated Discovery of Paleontological Resources.* Paleontological resources are limited, nonrenewable resources of scientific, cultural, or educational value and are afforded protection under state laws and regulations (CEQA). Paleontological resources are explicitly afforded protection by CEQA, specifically in Section V(c) of CEQA Guidelines Appendix G, the Environmental Checklist Form, which addresses the potential for adverse impacts to "unique paleontological resource[s] or site[s] or ... unique geological feature[s]" (14 CCR 15000 et seq.). Further, CEQA provides that, generally, a resource shall be considered "historically significant" if it has yielded or may be likely to yield information important in prehistory (14 CCR 15064.5[a][3][D]). In the event that paleontological resources (silicified shell, bone, or other features) are exposed during construction activities for the proposed project, all construction work occurring within 100 feet of the find shall immediately stop until a qualified paleontologist can evaluate the significance of the find. This analysis shall comply with guidelines and significance criteria specified by the Society of Vertebrate Paleontology. If the discovery proves significant under CEQA, additional work, such as preparation of an archaeological treatment plan, testing, or data recovery, may be warranted.

Noise

49. The project sponsor shall retain a qualified acoustical engineer to prepare an acoustical study in accordance with State Title 24 requirements. The acoustical study shall identify methods of design and construction to comply with the applicable portions of the California Building Code Title 24 to achieve an indoor noise level of 45 A-weighted decibel community noise equivalent level or less from traffic noise sources.
50. All construction equipment shall use available noise-suppression devices and properly maintained mufflers. All internal combustion engines used on the project site shall be equipped with the type of muffler recommended by the vehicle manufacturer. In addition, all equipment shall be maintained in a good mechanical condition to minimize noise created by a faulty or poorly maintained engine, drive train, or other component.
51. During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receptors and as far as possible from the boundary of sensitive receptors.
52. Pursuant to the City of Burlingame Municipal Code, the applicant shall limit construction activities to between 8 a.m. and 7 p.m. Mondays through Fridays, and Saturdays between 9 a.m. and 6 p.m.

Catherine Keylon
Senior Planner

- c. Anacapa Rei LLC, property owners
Levy Design Partners, architect

Attachments:

One Year Extension Request Letter Submitted by the Applicant, dated March 8, 2019
Application to the Planning Commission
February 12, 2018 Planning Commission Minutes
Planning Commission Resolution (Proposed)
Notice of Public Hearing – Mailed March 29, 2019
Area Map