



PROJECT LOCATION
128 Lorton Avenue

City of Burlingame
New 19-Unit Residential Condominium

Item No. 8b
Regular Action Item

Address: 128 Lorton Avenue

Meeting Date: July 13, 2020

Request: Application for Design Review, Condominium Permit and Density Bonus Concession and Waivers/Modifications for construction of a new five-story, 19-unit residential condominium with at-grade parking.

Applicant: Chris Grant, The Pacific Companies

APN: 029-231-210

Property Owner: Lorton Management Corp.

Lot Area: 7,500 SF

Architect: Architects Orange

General Plan Designation: Downtown Specific Plan

Zoning: R-4 (R-4 Incentive District Subarea)

Adjacent Development: Five-level public parking garage (under construction), multifamily residential and commercial uses

Current Use: Multifamily residential (4 units)

Proposed Use: 19-unit condominium building with at-grade parking.

Allowable Use: Multifamily, duplex, and single family residential uses.

Environmental Review: Section 15332 of the California Environmental Quality Act (CEQA) Guidelines is intended to promote in-fill development within urbanized areas. This class consists of in-fill projects which are consistent with local general plan and zoning requirements. This class is not intended to be applied to projects which would result in significant impacts on endangered, rare, or threatened species, traffic, noise, air quality, water quality, utilities, and public services. Application of this exemption, as all categorical exemptions, is limited by the exceptions described in Section 15300.2 of the CEQA Guidelines. Section 15332 states:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

On the basis of the evidence provided in the analysis, it was determined the project is eligible for a Class 32 categorical exemption, in accordance with Section 15332, Infill Development Projects, of the CEQA Guidelines (see attached CEQA Class 32 Infill Exemption prepared by ICF, dated July 2020). Based on City of Burlingame threshold criteria, no additional substantial adverse impacts beyond those discussed in the analysis are anticipated. Because the project meets the criteria for categorically exempt infill development projects, 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. No further review is needed.

Project Summary: The applicant is proposing construction of a new five-story, 19-unit residential condominium building with an enclosed at-grade parking garage at 128 Lorton Avenue, zoned R-4, within the R-4 Incentive District Subarea. The R-4 Incentive District Subarea is located within the Burlingame Downtown Specific Plan Area and located south of Howard Avenue between Highland Avenue and Park Road. In order to provide an incentive to encourage high density residential uses, buildings or structures up to fifty-five (55) feet in height are allowed by right within this Subarea. Multifamily residential uses are permitted, but are limited to a maximum average unit size of 1,250 SF.

The project site is located immediately adjacent and to the south of the approved five-level public parking garage (construction is underway) which will provide 368 parking stalls when completed. The parking garage will be set back 10'-0" from the shared side property line, 14'-0" from the shared rear property line, and will be 48 feet tall.

The project site currently contains four residential units in two separate buildings. These buildings would be demolished to build the proposed 19-unit residential condominium building. The existing buildings were not identified on the Draft Inventory of Historic Resources of the Burlingame Downtown Specific Plan. The site is bordered by three-story apartment buildings to the south and across Lorton Avenue to the east, and a privately-owned vehicle storage lot to the west. A five-level public parking garage will be built on the lot immediately to the north (construction is underway).

The proposed building would contain 19 residential units in four floors above an enclosed at-grade parking garage. Each of the units will contain a kitchen/great room, bedrooms, bathrooms and a space for a washer/dryer. The proposed project includes 11 one-bedroom units, 7 two-bedroom units and 1 three-bedroom unit. Unit sizes range from 675 SF to 1,528 SF; the average unit size proposed is 864 SF (1,250 SF average maximum unit size permitted). An enclosed trash room is provided within the garage.

A total of 17 parking spaces are provided on-site in an enclosed at-grade parking garage (14 parking spaces in a puzzle stacker system and 3 independent spaces). All vehicles would enter and exit the project through a driveway entrance on Lorton Avenue.

The following applications required for this project:

- Design Review for the proposed construction of a new five-story, 19-unit residential condominium building (C.S. 25.29.020 and 25.57.010, and Chapter 5 of the Downtown Specific Plan);
- Condominium Permit for construction of new residential condominium building (C.S. 26.30.020); and
- Density Bonus to allow development concessions and waiver/modifications to development standards to facilitate the provision of affordable housing; concession for off-street parking and waivers/modifications of development standards including building setbacks (front, left/right sides and rear), lot coverage, building height, common open space, and private open space requirements (C.S. 25.63.050).

Design Review Study Meeting: At the Planning Commission Design Review Study meeting on October 15, 2019, the Commission noted several comments and concerns with the project and voted to place this item on the Regular Action Calendar (see attached October 15, 2019 Planning Commission Minutes). Please refer to the attached meeting minutes for a complete list of comments/concerns expressed by the Planning Commission.

The applicant submitted revised plans, date stamped June 5, 2020, to address the Planning Commission's comments and concerns. Please refer to the applicant's letters dated July 7, 2020, for a detailed summary of the changes made to the project and responses to the Planning Commissions concerns and comments.

Design Review: The proposed project is subject to Chapter 5 of the Downtown Specific Plan (Design & Character). Section 5.3 (pages 5-17 through 5-21) provides design guidelines specifically for residential projects within the Downtown Specific Plan area. Section 5.4 (pages 5-22 through 5-27) provides more general design guidelines that apply to all areas of the downtown, including residential and mixed use areas. These applicable sections of the Design and Character chapters of the Downtown Specific Plan have been attached for reference.

The materials proposed for the exterior of the building include cement plaster walls with decorative reveals, manufactured stone veneer, decorative cornice/trip along the top edge of the building, and glass guardrails at balconies. The building would also include glass entry doors and fiberglass windows with interior wood jamb extensions.

Please refer to the building elevations on sheets A2.0 and A2.1 and perspective renderings on sheets A0.3 and A0.4 for additional information. The building elevations and renderings also include the approved five-level public parking garage for reference.

Off-Street Parking: Parking requirements are based on the number of bedrooms proposed per unit. Zoning Code Section 25.70.032 provides reduced residential parking standards specific to properties located within the boundaries of the Downtown Specific Plan. In the R-4 Incentive District Subarea, the minimum parking requirement is 1 space for each studio unit or one-bedroom unit, 1.5 spaces for each two-bedroom unit, and 2 spaces for each three-bedroom unit. The proposed project includes 11 one-bedroom units, 7 two-bedroom units and 1 three-bedroom unit. Therefore, the zoning code requires a total of 24 off-street parking spaces where 17 parking spaces are proposed. The applicant is applying for a density bonus concession for off-street parking requirements (see “Density Bonus Concession and Waivers/Modifications” section further in the staff report). There is no guest parking required on-site for properties located within the Downtown Specific Plan.

The code requires that the condominium development provide an area for deliveries. The code does not specify that it be a dedicated parking space, only that it be “an area for on-site deliveries.” The project proposes that space #17 double as a short-term delivery or service vehicle parking; the space would be posted to allow for such use.

The project includes an at-grade parking garage providing a total of 17 parking spaces. Within the garage, the applicant is proposing to install a puzzle stacker parking system manufactured by CityLift (Model No. 2LP, see sheet A6.0 on plans for system information), which would provide 14 of the 17 parking spaces. The remaining three spaces, including a disabled-accessible space, would be provided as standard parking spaces.

The proposed puzzle stacker system accommodates two vehicles stacked vertically and provides independent access to all cars parked on the system (one empty slot required for each automated unit). All vehicles would enter and exit the project through a driveway entrance on Lorton Avenue.

The Municipal Code does not include specifications for automated parking systems, so the City currently does not have a standard mechanism for review and approval. However, as a policy the Downtown Specific Plan encourages “creative approaches” to providing on-site parking including automated parking systems. The parking system and sharing space #17 to provide an area for delivery vehicles could each be considered within the scope of “creative approaches” to providing the required on-site parking. To date, the City has approved several commercial and residential projects with parking lifts/automated parking systems.

The Downtown Specific Plan notes that “new development should provide safe, secure facilities for bicycles. This can be accomplished in a number of ways, depending on the type of development. Where possible, secured, indoor parking space (i.e. lockable, caged space) for bikes should be provided in all new residential and commercial buildings. New projects should include bike stalls to allow users the opportunity to securely store their bicycles. These can include racks or hooks on walls in front of parking spaces in residential buildings, and designated and secure bicycle storage areas in commercial buildings.” The applicant proposes to provide bicycle storage in an 8-bike rack system (DoubleUp Single Sided Rack, Model 543-4010, see attached) located within the rear yard. Bike storage in each units would also be provided with racks or hooks on walls.

Common and Private Open Space: A total of 500 SF (26.3 SF/unit) of common open space is proposed for the condominium project where 1,900 SF (100 SF/unit) is required. The common open space is provided at the rear of the lot and would contain paving, landscaping and tables/chairs. The applicant is applying for a waiver/modification of the common open space requirements (see “Affordable Units/Density Bonus Incentives” section further in the staff report).

The applicant is proposing to provide private open spaces (balconies) in five of the 19 units; three balconies would be located on the south side of the building (one each on the podium, second, and fourth levels), and two balconies would be located on the west side of the building (on the podium level). The balconies range in size from 99 SF to 308 SF (75 SF/unit is the minimum required). The applicant is applying for a waiver/modification of the private open space requirements (see “Affordable Units/Density Bonus Incentives” section further in the staff report).

Landscaping: Existing landscaping consists of turf and shrubs at the front and rear of the site. There is one small street tree in front of the site. The applicant is proposing to replace all of the existing landscaping with new landscaping.

Proposed landscaping is shown on the Landscape Plan (sheet L1), which includes planting four Ever Red Japanese Laceleaf Maple trees (24-inch boxes) as well as a combination of shrubs, perennials, vines, and ground cover throughout the site. The applicant is proposing 62% (155 SF) landscaping within the required front setback where 50% (125 SF) is the minimum required. The project meets all other zoning code and condominium permit requirements.

In accordance with the City's requirements, each lot developed with a multifamily residential use is required to provide a minimum of one 24-inch box-size minimum non-fruit trees for every 2000 SF of lot coverage. Based on the proposed project, a total of three landscape trees are required on site. In addition, the City Arborist is requiring that the existing street tree be replaced with two new 24-inch box street trees within the planter strip on Lorton Avenue.

Housing Accountability Act (HAA): The Housing Accountability Act (HAA), codified in State of California Government Code Section 65589.5, limits the ability of municipalities to deny a multifamily residential project that complies with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the application is determined to be complete. “Objective standards” are those that can be independently measured (such as height, density, and lot coverage) rather than subjective (such as “does not fit with the neighborhood character”). The table below outlines the proposed project’s compliance with the applicable objective development standards.

128 Lorton Avenue

Lot Area: 7,500 SF

Plans date stamped: June 5, 2020

	PROPOSED	ALLOWED/REQUIRED
Front Setback:	5'-0" (all floors) ¹	18'-6" (all floors) (block average)
Left Side Setback:	0'-0" (all floors) ¹	5'-0" on first floor + add'l 1'-0" for each floor above the first floor
Right Side Setback:	5'-0" (all floors) ¹	5'-0" on first floor + add'l 1'-0" for each floor above the first floor
Rear Setback:	10'-0" (all floors) ¹	20'-0" (all floors)

¹ Density bonus waiver/modification requested for front, right and left side, and rear setback requirements.

128 Lorton Avenue**Lot Area: 7,500 SF****Plans date stamped: June 5, 2020**

	PROPOSED	ALLOWED/REQUIRED
Lot Coverage:	5,977 SF 79.6% ²	3,750 SF 50%
Building Height:	59'-6" to top of stair/elevator enclosures ³ 56'-6" to top of building parapet	75'-0" maximum 55'-0" by right CUP required to exceed 35'-0"
Front Setback Landscaping:	62% 155 SF	50% 125 SF
Private Open Space:	99 SF – 308 SF/unit in 5 of 19 units ⁴	75 SF per unit
Common Open Space:	500 SF ⁵	1,900 SF
Off-Street Parking:	17 spaces (14 spaces provided in automatic puzzle stacker + 3 standard spaces) Area for deliveries in space #17 100% covered	<u>28 bedrooms x 0.5 = 14</u> 14 spaces by California State Government Code 11, 1-bdrm units x 1 = 11 spaces 7, 2-bdrm units x 1.5 = 10.5 spaces <u>1, 3-bdrm units x 2 = 2 spaces</u> 24 spaces by Zoning Code Area for on-site deliveries required 80% must be covered

² Density bonus waiver/modification requested for lot coverage requirements.³ Density bonus waiver/modification requested for building height requirements. Building height measured to elevator and stairway enclosures because they take up more than 5% of roof area (8.2% proposed).⁴ Density bonus waiver/modification requested for private open space requirements.⁵ Density bonus waiver/modification requested for common open space requirements.

Density Bonus Concession and Waivers/Modifications - Affordable (Below-Market Rate) Units: The Density Bonus Ordinance is discretionary, and while projects are required to submit residential impact fees, they are not obligated to provide affordable units unless they seek to utilize development concessions and waivers/modifications of development standards offered by the ordinance, and/or provide affordable units in lieu of submitting residential impact fees. Code Section 25.63.40 allows development concessions and incentives where affordable units are offered, with more incentives offered when lower income and a higher percentage of BMR units are provided.

Code Section 25.63.050 allows waivers or modifications where affordable units are offered. An applicant may apply for a waiver or modification of development standards that will have the effect of physically precluding the construction of a development at the densities. The developer must demonstrate that development standards that are requested to be waived or modified will have the effect of physically precluding the

construction of a density bonus project permitted under the law. Please refer to the applicant's density bonus application, dated April 2, 2020, for additional information.

The application includes a request to utilize the density bonus ordinance, consistent with the provisions set forth in Government Code Sections 65915 through 65919, which is the state density bonus law. The project includes 10% of the total units (2) as moderate-income units. In San Mateo County the "Moderate Income" category is defined as households earning between 81%-120% of the San Mateo County Area Median Income (AMI), which in 2020 corresponds to up to \$120,200 for a single-person household or \$171,700 for a family of four.

The applicant is requesting the following density bonus concession:

- **Off-Street Parking Requirements:** Consistent with state density bonus law, C.S. 25.63.040 (b) allows one concession for projects with 10% of the units offered as BMR units for moderate income levels. The applicant is requesting relief of the off-street parking requirements by providing 17 parking spaces where 24 spaces are required for the proposed project.

The applicant is requesting the following waivers of the following development standards:

- **Front, Left and Right Side, and Rear Setback Requirements:** The project application includes requests for waivers from front, left and right side, and rear setback requirements.

Front Setback: The proposed front setback is 5'-0" to all floors of the building, where 18'-6" is required based on the average of the block. Staff would note that the five-level public parking garage immediately to the north of the site was approved with a 5'-6" setback along Lorton Avenue.

Left Side Setback: The proposed left side setback is 0'-0" on all floors of the building, where 5'-0" and an additional 1'-0" for each floor above the first floor is the minimum required for condominium developments. The parking garage adjacent to the site will be set back 10'-0" from the shared property line.

Right Side Setback: The proposed right side setback is 5'-0" on all floors of the building, where 5'-0" and an additional 1'-0" for each floor above the first floor is the minimum required for condominium developments. The adjacent three-story multifamily residential building to the south (124 Lorton Avenue) is located 11'-0" from the side property line.

Rear Setback: The proposed rear setback is 10'-0" on all floors of the building, where 20'-0" is the minimum required. The lots directly behind the project site will contain a portion of the public parking garage (14'-0" from the rear property line) and an existing a privately-owned vehicle storage lot (there are no existing buildings on this lot).

- **Lot Coverage:** The proposed lot coverage is 79.6% (5,977 SF) where 50% (3,750 SF) is the maximum allowed.

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- **Building Height:** As previously noted, in order to provide an incentive to encourage high density residential uses, buildings or structures up to 55'-0" in height are allowed by right within the R-4 Incentive District Subarea; the maximum building height allowed is 75'-0". The proposed project consists of the following building heights:
 - 56'-6 to top of building parapet
 - 59'-6" to top of stair and elevator enclosures (the stair and elevator enclosures are not exempt from the building height requirement since they cover more than 5% of the roof area (8.2% proposed)).
- **Private Open Space:** The applicant is proposing to provide private open spaces, consisting of balconies, in five of the 19 units where a minimum of 75 SF is required in each unit. Balconies provided in the five units range in size from 99 SF to 308 SF.
- **Common Open Space:** The proposed common open space is 500 SF where 1,900 SF is the minimum required based on the 19-unit building (100 SF/unit). The common open space is provided at the rear of the lot and contains paving, landscaping, and table/chairs.

The Downtown Specific Plan and corresponding zoning do not provide for specific density limits (dwelling units per acre); therefore, a number of bonus units is not applicable. However, because the proposed project includes 10% of the units to be offered to moderate income households, under Chapter 25.63 the project is eligible for concessions and waivers/modifications received in building form of which, in practice, would allow the project to reach a higher density than what would have been able to under the regular development standards.

General Plan/Specific Plan: The General Plan designates the site as Downtown Specific Plan. In 2010 the City Council adopted the *Burlingame Downtown Specific Plan* (with amendments in 2014, 2015, 2016, and 2017), 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; the site is in the R-4 Incentive District. The Plan describes the R-4 Incentive District as follows:

The R-4 Incentive District consists of lands in the southern portion of Downtown, on either side of Bayswater Avenue between Highland Avenue and Park Road. The land uses for this area are predominantly higher density multifamily residential. The development standards for this district provide incentives to encourage high density residential uses. In addition to residential uses, small corner retail stores serving local residents would be allowed.

The Downtown Specific Plan includes various Goals and Policies to guide growth and development in Downtown Burlingame. The table below shows how the proposed project meets these Goals and Policies.

GOAL/POLICY	PROJECT PROPOSED
Goal LU-3: Ensure sensitive transitions between the existing adjacent residential areas and the downtown area.	The proposed residential condominium development includes as a five-story building which provides a sensitive transition between the new development and the existing two and three-story multi-family development to the south and the downtown commercial area to the north, which includes an five-story public parking garage immediately adjacent to the project site.

GOAL/POLICY	PROJECT PROPOSED
Goal LU-6: Promote diversity in housing type and affordability within the Downtown area.	The proposed residential condominium development would contain two affordable units at the moderate-income level.
Policy P-1.2: Devote less land for parking Downtown while accommodating increased demand by using the land more efficiently with decked or underground parking.	Less land is devoted for parking by using a puzzle car stacker system.
Policy P-1.3: Conceal parking areas through the use of attractively designed above- or below-ground parking structures.	The parking for the project does not dominate the street frontage and has been concealed by locating it behind the ground floor building façade with one driveway access to the garage.
Policy C-2.6: Consider the needs of pedestrian, bicycles, and people with disabilities.	Storage for bicycles is provided in a bicycle rack system at the rear of the site and within each of the residential units.
Policy S-1.3: Streetscapes should reflect Burlingame's destination as a "tree city." Trees should be planted throughout the downtown as an integral part of the streetscape, and mature streets trees should be persevered whenever possible.	There is one small existing street tree along Lorton Avenue in front of the project site, which will be removed and replaced with two new street trees.
Policy D-1.1 Ensure that new construction fits into the context and scale of the existing downtown.	<p>The project is consistent with the diverse architectural styles of existing residential and commercial buildings in the area characterized by simple massing, an articulated façade and entrance awning on the ground floor, and articulated walls and repetitive fenestration on the upper floors; the project mediates between existing buildings in the area ranging from one to three stories in height and an adjacent five-level public parking garage, to create a continuous mixed-use residential neighborhood, is well articulated, and embraces the street and the pedestrian realm.</p> <p>The building is characterized by a single contemporary architectural style and its design fits the site and is compatible with the surrounding development by exhibiting thoughtful massing, character and pedestrian scale, and successfully creates a good transition between the existing residential and commercial buildings in the neighborhood, as well as the adjacent public parking garage, with well-articulated massing and a variety of exterior sidings, textures and colors.</p>
Policy D-1.2: Require design review for all new downtown buildings and for changes to existing downtown buildings, and integrate historic review into the design review process.	The proposed project is subject to the design review process.

GOAL/POLICY	PROJECT PROPOSED
<p>Policy D-3.1: Ensure that new development is appropriate to Burlingame with respect to size and design.</p> <p>Policy D-3.2: Evaluate development in the Downtown Area that is proposed to be taller than surrounding structures (i.e. over 40 feet) for potential to create new shadows or shade on public and/or quasi-public open spaces and major pedestrian routes.</p>	

Public Facilities Impact Fee: The purpose of public facilities impact fees is to provide funding for necessary maintenance and improvements created by development projects. Public facilities impact fees are based on the uses, the number of dwelling units, and the amount of square footage to be located on the property after completion of the development project. New development that, through demolition or conversion, will eliminate existing development is entitled to a fee credit offset if the existing development is a lawful use under this title, including a nonconforming use.

Based on the proposed 19-unit multifamily dwelling apartment development, the required public facilities impact fee for this development project is \$83,055.00.

Residential Impact Fee: The purpose of residential impact fees is to support and build new homes for lower-income residents. The fees can be charged to developers of new residential projects and used for land purchase, construction costs, or site rehabilitation related to providing workforce housing. The fees are waived if at least 10% of the units in a development are provided at rents or sales prices affordable to Moderate Income households for a period of 55 years. Because the project includes 10% of the total units (2) as moderate-income units, the residential impact fee is waived.

Staff Comments: None.

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

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

architectural features, and is compatible in mass and bulk with other structures in the immediate area; and

- (6) Provision of site features such as fencing, landscaping, and pedestrian circulation that enriches the existing opportunities of the commercial neighborhood.

Suggested Findings for Design Review: The project may be found to be compatible with the requirements of the City's criteria for design review based on the following:

- that the project is consistent with the diverse architectural styles of existing residential and commercial buildings in the area characterized by simple massing, an articulated façade and entrance awning on the ground floor, and articulated walls and repetitive fenestration on the upper floors; the project mediates between existing buildings in the area ranging from one to three stories in height and an adjacent five-level public parking garage, to create a continuous mixed-use residential neighborhood, is well articulated, and embraces the street and the pedestrian realm;
- that the architectural style blends traditional and contemporary design elements to be compatible with adjacent neighborhoods and the City as a whole, and that human scale is provided at the street level consisting of an entry element at the front of the building, and on the upper levels individual balconies provide residential scale and character;
- that parking for the project does not dominate the street frontage because the garage has been located behind the ground floor building façade with one driveway access to the garage measuring 14 feet in width, or 28% of the frontage along Lorton Avenue;
- that the building is characterized by a single contemporary architectural style and its design fits the site and is compatible with the surrounding development by exhibiting thoughtful massing, character and pedestrian scale, and successfully creates a good transition between the existing residential and commercial buildings in the neighborhood, as well as the adjacent public parking garage, with well-articulated massing and a variety of exterior sidings, textures and colors;
- that the building is compatible with the mass, bulk, scale, and existing materials of existing development in that the exterior building materials include a mix of cement plaster walls with decorative reveals, manufactured stone veneer, decorative cornice/trip along the top edge of the building, glass guardrails at balconies, glass entry doors and fiberglass windows with interior wood jamb extensions; and
- that site features such as fencing, landscaping, and pedestrian circulation will enrich the existing opportunities of the neighborhood transitioning from commercial to residential uses.

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

- (a) Sound community planning; the economic, ecological, social and aesthetic qualities of the community; and on public health, safety and general welfare;
- (b) The overall impact on schools, parks, utilities, neighborhoods, streets, traffic, parking and other community facilities and resources; and

- (c) Conformity with the general plan and density permitted by zoning regulations.
- that the 19-unit residential condominium project and is compatible with the surrounding development by exhibiting thoughtful massing, character and pedestrian scale, and successfully creates a good transition between the existing residential and commercial buildings in the neighborhood, as well as the adjacent public parking garage, and will not have a significant impact on public health, safety and general welfare;
 - that the project has fulfilled all criteria for an Infill Exemption and therefore will have no significant impacts on schools, parks, utilities, neighborhoods, streets, traffic, parking and other community facilities and resources; and
 - that the project includes new fencing and landscaping on the project site, as well as installation of two new street trees, and therefore will enrich the neighborhood transitioning from commercial to residential uses.

Planning Commission Action: The Planning Commission should hold a public hearing on the application and consider public testimony and the analysis contained within the staff report. Affirmative action should be by resolution and include findings for Design Review, Condominium Permit, and Density Bonus concessions and waiver/modifications. The reasons for any action should be clearly stated 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 June 5, 2020, sheets A0.0 through A6.0, C1.1 through C1.3 and L1;
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 prior to issuance of a building permit, 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;
4. that prior to issuance of the final inspection of the project, the applicant shall pay the public facilities impact fee in the amount of \$83,055.00, made payable to the City of Burlingame and submitted to the Planning Division;
5. 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);
6. that the project shall include two (2) affordable units for a 55-year term; the applicant shall enter into an agreement for the administration of the sale, renting, or leasing of the affordable units at least 120 days before the final inspection;
7. that the required affordable dwelling units shall be built on-site and shall be constructed concurrently with market-rate units;

8. that the two (2) 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);
9. 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 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, sale or 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;
10. that the above noted regulatory agreement regarding the two (2) 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;
11. that the final inspection shall be completed and a certificate of occupancy issued before the close of escrow on the sale of each unit;
12. 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;
13. that CityLift Model No. 2LP parking lift system, or an equivalent parking lift system, shall be installed, with the following conditions:
 - a. the parking lifts shall be properly illuminated to provide safety for easy loading and unloading, while not causing excessive glare.
 - b. signage shall be installed explaining the proper use of the lifts and emergency contact information for lift maintenance or problems.
 - c. the final design of the parking lifts shall be subject to the review and approval of the Community Development Director.
14. that the project shall be constructed in accordance with the June 4, 2020 "Request for Alternate Materials or Methods of Construction" agreement between Chris Grant and Central County Fire Department;
15. that if the City determines that the structure interferes with City communications in the City, the property owner shall permit public safety communications equipment and a wireless access point for City communications to be located on the structure in a location to be agreed upon by the City and the property owner. The applicant shall provide an electrical supply source for use by the equipment. The applicant shall permit authorized representatives of the City to gain access to the equipment location for purposes of installation, maintenance, adjustment, and repair upon reasonable notice to the property

owner or owner's successor in interest. This access and location agreement shall be recorded in terms that convey the intent and meaning of this condition;

16. that all construction shall abide by the construction hours established in the Municipal Code;
17. 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 construction parking plan to provide worker parking off site and generally off neighborhood streets, with shuttles or other transportation as needed to transport workers to the site;
 - b. 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;
 - c. 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;
 - d. Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures would occur;
 - e. 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
 - f. 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.
18. 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;
19. that the applicant shall submit a Construction Noise Control Plan. This plan would include measures such as:
 - Using smaller equipment with lower horsepower or reducing the hourly utilization rate of equipment used on the site to reduce noise levels at 50 feet to the allowable level.
 - Locating construction equipment as far as feasible from noise-sensitive uses.
 - Requiring that all construction equipment powered by gasoline or diesel engines have sound control devices that are at least as effective as those originally provided by the manufacturer and that all equipment be operated and maintained to minimize noise generation.
 - Prohibiting gasoline or diesel engines from having unmuffled exhaust systems.
 - Not idling inactive construction equipment for prolonged periods (i.e., more than 5 minutes).

- Constructing a solid plywood barrier around the construction site and adjacent to operational businesses, residences, or other noise-sensitive land uses.
 - Using temporary noise control blanket barriers.
 - Monitoring the effectiveness of noise attenuation measures by taking noise measurements.
 - Using “quiet” gasoline-powered compressors or electrically powered compressors and electric rather than gasoline- or diesel-powered forklifts for small lifting.
20. that all off-road diesel-powered equipment used during construction is equipped with U.S. Environmental Protection Agency (EPA) Tier 4 “final” engines;
 21. that construction access routes shall be limited in order to prevent the tracking of dirt onto the public right-of-way, clean off-site paved areas and sidewalks using dry sweeping methods;
 22. that 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;
 23. that storage of construction materials and equipment on the street or in the public right-of-way shall be prohibited;
 24. 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;
 25. that trash enclosures and dumpster areas shall be covered and protected from roof and surface drainage and that if water cannot be diverted from these areas, a self-contained drainage system shall be provided that discharges to an interceptor;
 26. that this project shall comply with 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;
 27. that all site catch basins and drainage inlets flowing to the bay shall be stenciled. All catch basins shall be protected during construction to prevent debris from entering;
 28. that 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;
 29. that the applicant shall coordinate with the City of Burlingame Parks Division regarding the planting of two (2) street trees along Lorton Avenue;
 30. 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;

31. 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;
32. that the applicant shall comply with Ordinance 1503, the City of Burlingame Storm Water Management and Discharge Control Ordinance;
33. that the project shall meet all the requirements of the California Building and Uniform Fire Codes, as amended by the City of Burlingame;
34. that this project shall comply with Ordinance No. 1477, Exterior Illumination Ordinance;

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

35. that prior to scheduling the foundation inspection a licensed surveyor shall locate the property corners, set the building envelope;
36. 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 Building Division;
37. 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;
38. 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;
39. that the maximum elevation to the top roof parapet shall not exceed elevation 93.56, as measured from the average elevation at the top of the curb along Lorton Avenue (37.06') for a maximum height not to exceed 56'-6" to the top of the parapet; the garage finished floor elevation shall be elevation 37.06'; the top of each floor and final roof ridge shall be surveyed by a licensed surveyor who shall provide certification of that height to the Building Division; 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;

The following conditions of approval are from Downtown Specific Plan:

40. that if subgrade structures are proposed, the project sponsor shall prepare a Geotechnical Study identifying the depth to the seasonal high water table at the project site. No permanent groundwater dewatering would be allowed. Instead, all residential uses must be elevated to above the seasonal high water table and all areas for non-residential uses shall be flood-proofed and anchored, in accordance with floodplain development requirements, to the design depth as recommended by geotechnical engineer. Final design shall be prepared by a qualified professional engineer and approved by the Burlingame Department;
41. the project sponsor shall implement all appropriate control measures from the most currently adopted air quality plan at the time of project construction;

42. the project sponsor shall ensure implementation of the following mitigation measures during project construction, in accordance with BAAQMD standard mitigation requirements:
- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day or as necessary.
 - b. All haul trucks transporting soil, sand, or other loose material offsite shall be covered or otherwise loaded consistent with California Vehicle Code Section 23114.
 - c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry sweeping is prohibited.
 - d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - e. All roadways, driveways, sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - f. Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of the California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - h. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
43. the project sponsor shall implement the following Greenhouse Gas reduction measures during construction activities:
- a. Alternative-Fueled (e.g., biodiesel, electric) construction vehicles/equipment shall make up at least 15 percent of the fleet.
 - b. Use at least 10 percent local building materials.
 - c. Recycle at least 50 percent of construction waste or demolition materials.
44. the project sponsor shall provide adequate secure bicycle parking in the plan area at a minimum ratio of 1 bicycle spot for every 20 vehicle spots;
45. the condominium management shall post and update information on alternate modes of transportation for the area (i.e. bus/shuttle schedules and stop locations, maps);
46. the project sponsor shall incorporate commercial energy efficiency measures such that energy efficiency is increased to 15% beyond 2008 title 24 standards for electricity and natural gas;
47. the project sponsor shall incorporate recycling measures and incentives such that a solid waste diversion rate of 75% is achieved upon occupation of each phase of plan development;

48. the project sponsor shall incorporate residential water efficiency measures such that water consumption is decreased by a minimum of 10 percent over current standard water demand factors;
49. that construction shall avoid the March 15 through August 31 avian nesting period to the extent feasible, as determined by staff. If it is not feasible to avoid the nesting period, a survey for nesting birds shall be conducted by a qualified wildlife biologist no earlier than 7 days prior to construction. The area surveyed shall include all clearing/construction areas, as well as areas within 250 ft. of the boundaries of these areas, or as otherwise determined by the biologist. In the event that an active nest is discovered, clearing/construction shall be postponed within 250 ft. of the nest, until the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts;
50. that for projects within the Plan Area that require excavation, a Phase I Environmental Site Assessment (and Phase II sampling, where appropriate) would be required. If the Phase I Environmental Site Assessment determines that remediation is required, the project sponsor would be required to implement all remediation and abatement work in accordance with the requirements of the Department of Toxic Substances Control (DTSC), Regional Water Quality Control Board (RWQCB), or other jurisdictional agency;
51. the following practices shall be incorporated into the construction documents to be implemented by the project contractor.
 - a. Maximize the physical separation between noise generators and noise receptors. Such separation includes, but is not limited to, the following measures:
 - Use heavy-duty mufflers for stationary equipment and barriers around particularly noisy areas of the site or around the entire site; - Use shields, impervious fences, or other physical sound barriers to inhibit transmission of noise to sensitive receptors;
 - Locate stationary equipment to minimize noise impacts on the community; and
 - Minimize backing movements of equipment.
 - b. Use quiet construction equipment whenever possible.
 - c. Impact equipment (e.g., jack hammers and pavement breakers) shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically-powered tools. Compressed air exhaust silencers shall be used on other equipment. Other quieter procedures, such as drilling rather than using impact equipment, shall be used whenever feasible.
52. the project sponsor shall incorporate the following practice into the construction documents to be implemented by construction contractors: The project sponsor shall require that loaded trucks and other vibration-generating equipment avoid areas of the project site that are located near existing residential uses to the maximum extent compatible with project construction goals;
53. that if the project increases sewer flows to the sanitary sewer system, the project sponsor shall coordinate with the City Engineer to determine if improvements to public sanitary sewer infrastructure are needed. If improvements are needed, the following shall apply:
 - that prior to issuance of a building permit, the project sponsor shall develop a plan to facilitate sanitary sewer improvements. The plan shall include a schedule for implementing sanitary sewer upgrades that would occur within the development site and/or contribution of a fair share fee toward those improvements, as determined by the City Engineer. The plan shall be reviewed by the City Engineer.

54. that prior to issuance of a building permit, the development plans shall be reviewed by the Fire Marshal to determine if fire flow requirements would be met given the requirements of the proposed project, and the size of the existing water main(s). If the Fire Marshal determines improvements are needed for fire protection services, then the following shall apply:
- that prior to issuance of a building permit the project sponsor shall be required to provide a plan to supply adequate water supply for fire suppression to the project site, consistent with the Fire Marshal's requirements. The plan shall be reviewed by the Fire Marshal. The project sponsor shall be responsible for implementation of the plan including installation of new water mains, and/or incorporation of fire water storage tanks and booster pumps into the building design, or other measures as determined by the Fire Marshal.
55. that if evidence of an archeological site or other suspected cultural resource as defined by CEQA Guidelines Section 15064.5, including darkened soil representing past human activity ("midden"), that could conceal material remains (e.g., worked stone, worked bone, fired clay vessels, faunal bone, hearths, storage pits, or burials) is discovered during construction-related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted and the City of Burlingame shall be notified. The project sponsor shall hire a qualified archaeologist to conduct a field investigation. The City of Burlingame shall consult with the archeologist to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than significant level through data recovery or other methods determined adequate by a qualified archaeologist and that are consistent with the Secretary of the Interior's Standards for Archeological Documentation. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-J) form and filed with the NWIC;
56. that should a unique paleontological resource or site or unique geological feature be identified at the project construction site during any phase of construction, the project manager shall cease all construction activities at the site of the discovery and immediately notify the City of Burlingame. The project sponsor shall retain a qualified paleontologist to provide an evaluation of the find and to prescribe mitigation measures to reduce impacts to a less-than-significant level. Work may proceed on other parts of the project site while mitigation for paleontological resources or geologic features is carried out. The project sponsor shall be responsible for implementing any additional mitigation measures prescribed by the paleontologist and approved by the City; and
57. that if human remains are discovered at any project construction site during any phase of construction, all ground-disturbing activity within 100 feet of the resources shall be halted and the City of Burlingame and the County coroner shall be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project sponsor shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. The City of Burlingame shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of State law, as set forth in CEQA Guidelines section 15064.5(e) and Public Resources Code Section 5097.98. The project sponsor shall implement approved mitigation, to be verified by the City of Burlingame, before the resumption of ground-disturbing activities within 100 feet of where the remains were discovered.

Ruben Hurin
Planning Manager

c. Chris Grant, The Pacific Companies

Attachments:

October 15, 2019 Planning Commission Meeting Minutes
Response Letter, dated July 7, 2020
Application to the Planning Commission
Density Bonus Application, dated September 30, 2019
Bicycle Rack Specifications
Downtown Specific Plan Applicable Design Guidelines (reference only)
Planning Commission Resolutions (Proposed)
Notice of Public Hearing – Mailed July 2, 2020
Area Map

Submitted Separately:

CEQA Class 32 Infill Exemption prepared by ICF, dated July 2020