



City of Burlingame

BURLINGAME CITY HALL
501 PRIMROSE ROAD
BURLINGAME, CA 94010

Meeting Minutes Planning Commission

Tuesday, October 15, 2019

7:00 PM

Council Chambers

- c. 128 Lorton Avenue, zoned R-4 Incentive District Subarea - Application for Environmental Scoping, Design Review, Condominium Permit and Density Bonus Concessions and Waivers/Modifications for a new 5-story, 19-unit residential condominium building with at-grade parking. (Chris Grant, The Pacific Companies, applicant; Architects Orange, architect; Thomas Cady, property owner) (203 noticed) Staff Contact: Ruben Hurin

Attachments: [128 Lorton Ave - Staff Report](#)
[128 Lorton Ave - Attachments](#)
[128 Lorton Ave - Plans](#)

All Commissioners had visited the property. Commissioner Terrones indicated that he had met with the applicant and with the property owner several weeks ago. Commissioner Comaroto indicated she had had a conversation with the property owner several months ago. Commissioner Sargent indicated he had met with the property owner.

Community Development Director Gardiner provided an overview of the staff report.

Questions of staff:

- > *How many parking spaces are required per code? (Gardiner: 24.)*

Chair Comaroto opened the public hearing.

Chris Grant, The Pacific Companies, represented the applicant.

Commission Questions/Comments:

- > *Supportive of adding housing units with the need for housing, and this is a good context for additional density.*
- > *Which are the moderate income units? (Grant: First floor 2-bedroom, and second floor 1-bedroom.)*
- > *Will there be a gate at the garage entry? (Grant: Either a gate or security mechanism to secure the garage at night.) The gate will be an important part of the street frontage so should be designed accordingly.*
- > *Not sure there is enough room for the accessible parking stall. There is not enough room for the loading area. (Grant: Needs to be studied further.)*
- > *The green screen will be alongside the garage? (Grant: Intent is to discourage tagging, and can eliminate the need for mechanical ventilation. Will provide a complement to the walkway along the side of the parking garage.)*
- > *Has the color and manufacturer of the vinyl windows been decided? (Grant: Will be using the same windows that were used in a San Diego project called Vici Condominiums. Color has not yet determined but can provide further details.) Should provide a cut sheet.*
- > *Where would the bike storage be in each unit? (Grant: Will provide a plate with a wall hook inside each unit. There is a finite amount of space on the ground floor. It would be owner discretionary whether to install the hooks.)*

- > Since there is a reduction in parking, needs to accommodate other uses such as bicycles. (Grant: Can consider that.)
- > Would encourage space for bike storage. Outdoor area at the rear may be in shade much of the time. Not sure it will be utilized.
- > What is open area on the rear elevation? (Grant: Opens to the garage. Will provide a screening treatment.)
- > Bathroom windows on the plans don't appear on the elevations. (Grant: Still working on that.)
- > Is there a significance to the particular pattern of the decorative pre-cast panel? (Grant: Nothing specific.)
- > Would like to consider a treatment to integrate with the paseo next door alongside the parking garage. (Grant: Could add a bench if it would fit.) Main point is to unify the paving materials.
- > Why does the screening on the roof need to be at the edge? (Grant: Does not need to be pushed out to the edge. Could pull it in.) Pulling it in would reduce the apparent height of the building.
- > What is GFRC? (Grant: Gypsum fiber reinforced concrete - it is a cast concrete material, very durable, can be cast into intricate shapes and colors, holds up well.)
- > Number of concessions and waivers seems large compared to number of affordable units. (Grant: Only needs to provide 10% of the units as affordable to earn a concession.)
- > Concern with the waiver for the side setbacks, creates a canyon. Did you look at other options that would not need so many waivers? (Grant: Width of the property is difficult, would need to configure to have access from a property line, facing sideways. Needs the full width to accommodate the parking spaces.)
- > Narrow setback and height will have an impact on the neighboring property.
- > Needs to have adequate justification for waivers; needs to have more in terms of community benefit.
- > Seems like asking for a lot for relatively few units. (Grant: Had originally submitted with 20% affordable units, could reconsider.)
- > Having a hard time justifying why the waivers are required. If can grant more concessions than waivers would make it easier to justify. Would like to see more affordable units.
- > Fundamental challenge is the 50-foot wide lot.
- > Wants to see the housing but it is a heavy lift to get there.
- > Was there consideration for another floor given that the height could be taller? (Grant: Would impact parking dynamic. Right now it is just under 1:1, thought it would be a stretch to have a lower ratio. Thought five floors over a podium would be hard.) If the building were taller, might be possible to have more generous setbacks.
- > Would like to see more detail in the design of the front area.

Public Comments: None.

Chair Comaroto closed the public hearing.

Commission Discussion:

- > Would like to see some revisiting of the concessions and waivers. Would like better affordability.
- > Lobby is not resolved, could impact the parking and other details.
- > Appreciates the commitment to housing, but wants to see reworking of the program and entitlements.
- > Asking quite a bit, but not delivering much for the community in return. Design is a block. Would benefit from more generous setbacks, which would benefit the community and the residents. Would like to see the scale reduced and more detail on the overall program.
- > This is a market-rate condo project, needs thoughtful design. Would like more attention to the outdoor space.
- > Could consider roof open space.
- > Lowest decks next to lowest units would be dark and exposed, facing a tunnel.
- > When looking at a project that needs lots of exceptions/waivers, it implies the project is too big for the site.
- > Would like more detail on the windows. Hesitant to accept vinyl except under special circumstances.

There was no action, as the application will return on the Regular Action Calendar once the

environmental review has been completed.

July 7, 2020

City of Burlingame Planning Division

Attn: Ruben Hurin
 501 Primrose Road
 Burlingame, CA 94010

Subject: **LORTON HEIGHTS**
 128 Lorton Ave., Burlingame, CA 94010
 Planning Response Letter

WHA Project #2019306

Plan Check Response Narrative:

This narrative is a response to the Planning Review Comments issued on 10-15-2019 by the Planning Commission in the City of Burlingame. The following comments have been addressed and identified on the Entitlement Submittal dated 6/3/20.

Comment Number	Response
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Planning Department Comments

B	Planning Commission Review (Notes from 10/15/2019 Meeting)
1.1	Comment addressed in current design. Bicycle storage provided inside dwelling units and at rear open space area.
1.2	See response to comment 1.1
1.3	Landscape Architect will provide a unified paving material to tie both the new development and the parking garage together.
1.4	Parapet height has been increased to facilitate screening of mechanical equipment, aid in controlling roof drainage for required BMP's, and provide fall protection at roof access hatches.
1.5 through 1.8	We have evaluated the project design to ensure the project compliments both the existing and future uses for the development. The concessions and waivers as proposed with this design are consistent with the Density Bonus.
1.9	Comment has been addressed, front elevation has been revised.
1.10	See response to comment 1.5
1.11	See response to comment 1.5
1.12	The project has been designed to complement the new public parking structure and provide a similar massing height but also provide a visual shielding from the neighborhood. Increasing the building setback for a building this narrow would be very problematic with circulation and unit layouts. It would most likely reduce the number of units which indirectly reduce the number of affordable units. The building details has been expanded throughout the elevations. Please see revised elevations.
1.13	The neighboring property has a similar setback. To the north is the new public parking structure which is much more massive and a floor taller. To the east is the parking structure and parking lot. To the south is a three story very boxy apartment building with similar setbacks on all sides. Our

- front setback is further back than the public parking structure and is half of the building to the south. Our (4 story) building is the compromise of the (5 story) parking structure and the (3 story) Apartment building to the south.
- 1.14 Comment addressed in current design. Lobby has been redesigned.
 - 1.15 Outdoor space is limited in this urban infill site. Outdoor seating/gathering area has been added at rear of building to address this concern.
 - 1.16 The roof deck option is not possible. The roof deck would require 2 enclosed exit stair towers. These exits would approximately 6 feet higher. The elevator would also be required to serve the roof and that structure would be an additional 8 feet higher than the present height. The Fire Department has requested that the building construction be upgraded from Type VA to Type IIIA. This mitigation requirement would not allow for an occupied 5th floor.
 - 1.17 Additional lighting has been provided to address this concern.
 - 1.18 128 Lorton is located in the R4 Incentive District. This design looks to both fulfil the vision of this special designated zone as well as buffer the cities new parking garage from existing residential units. Increasing the number of units on this site looks to align with the Incentive District goal of bringing much needed additional housing units to Burlingame. The location of this site is best suited to the proposed design because of its walking distance to the train station. Additionally, the proposed size of this project will be tempered by the massing of the adjacent 5 level garage.
 - 1.19 The project will utilize fiberglass windows with wood jamb extensions. This will assist in achieving title-24 compliance, increased rigidity and weather resistance, while adding to the overall quality of the project giving it an overall upscale look and feel.

Regards,

WILLIAM HEZMALHALCH ARCHITECTS, INC.

Pete Gabrich, Architect, Principal, WHA



APPLICATION TO THE PLANNING COMMISSION

Type of application:

- ☒ Design Review ☐ Variance ☒ Parcel #: 029-231-210
☐ Conditional Use Permit ☐ Special Permit ☐ Zoning / Other: _____

PROJECT ADDRESS: 128 Lorton Avenue

APPLICANT

Name: Chris Grant

Address: [REDACTED]

City/State/Zip: [REDACTED]

Phone: [REDACTED]

E-mail: [REDACTED]

PROPERTY OWNER

Name: Thomas A. CAOY

Address: 128 LORTON Ave. [REDACTED]

City/State/Zip: Burlingame, CA. 94010

Phone: [REDACTED]

E-mail: [REDACTED]

ARCHITECT/DESIGNER

Name: David H

Address: 321 W. Chapman Ave.

City/State/Zip: Orange CA. 92866

Phone: 714-639-9860

E-mail: davidh@Architectsorange.com

Burlingame Business License #: _____

Authorization to Reproduce Project Plans:

I hereby grant the City of Burlingame the authority to reproduce upon request and/or post plans submitted with this application on the City's website as part of the Planning approval process and waive any claims against the City arising out of or related to such action. _____ (Initials of Architect/Designer)

PROJECT DESCRIPTION: 19 unit affordable housing development.

AFFIDAVIT/SIGNATURE: I hereby certify under penalty of perjury that the information given herein is true and correct to the best of my knowledge and belief.

Applicant's signature: [REDACTED] Date: 11/27/2018

I am aware of the proposed action and I authorize the above applicant to submit this application to the Planning Commission.

Property owner's signature: [REDACTED] Date: 11/27/2018

Date submitted: 11/27/18



Revised – April 2, 2020
Revised – December 16, 2019
Revised – October 10, 2019
Revised – September 30, 2019
Revised - July 15, 2019
November 21, 2018

Mr. Ruben Hurin
Planning Manager
City of Burlingame
501 Primrose Road
Burlingame, CA 94010

RE: Density Bonus Application
Lorton Heights - 128 Lorton Avenue
Applicants: Stephanie Gildred and Pacific West Communities, Inc.
Architects: Peter Gabrich, William Hezmalhalch Architects (WHA)

Dear Ruben:

We are pleased to provide for review 128 Lorton, a condominium project with affordable units located at 128 Lorton Avenue (APN 029-231-210). The project will be a joint venture between the owner of the property, Stephanie Gildred, and Pacific West Communities, Inc., an affordable housing developer. Plans provided with this application demonstrate our ambition to redevelop the property for higher density residential dwelling units.

Pursuant to Government Code Section § 65915 and Burlingame Municipal Code 25.63 we hereby submit this Density Bonus application. This document is prepared with the intent of providing the written explanation of our requests and clarifying use of California Gov. Code § 65915, known as Density Bonus Law, and California Gov. Code § 65589.5, known as the Housing Accountability Act.

To accomplish this density the project will rely on California Gov. Code, § 65915 (hereafter Density Bonus Law). This statute provides qualifying affordable housing developments specific rights as defined in Density Bonus Law subdivision (b).

For purposes of density bonus eligibility, the project elects to be classified as having an affordable housing component under Government Code § 65915 (b)(1)(D). This project will contain at least 10% of units for moderate income households in a common interest development. Compliance with this section provides for application of State Density Bonus Law to the project and bestows all of the rights, privileges and benefits of the statute.

Project Description

The property is located in Zoning District R4. Lot size is 0.172 acres. The project is designed with 19 dwelling units. The building will consist of 4 levels of residential over an on-grade parking podium. 17 parking spaces will be provided for the project via a two level stacking system. The housing unit mix includes 11 one-bedroom, 7 two-bedroom, and 1 three-bedroom apartments. Unit sizes range from 675 square feet to 1,528 square feet. Private balconies are provided for 5 of the units.

California Gov. Code § 65915 offers four categories of benefits to affordable housing developments, such as this project. They include density bonuses, as described in subdivision (b), incentives or concessions, as described in subdivision (d), waivers or reduction of development standards, as described in subdivision (e), and parking ratios, as described in subdivision (p). Each category is discussed in appropriate detail in this letter.

Density Bonus – subdivision (b)

It is important to understand how density bonus law is intended to work in tandem with the local jurisdiction's development procedures. In keeping with Government Code § 65915(b) the granting of the density bonus and concessions are given as a matter of right, simply for providing the affordable housing. The statute is mandatory. The developer is entitled to receive a specific percentage increase in the number of units and between one to three incentives or concessions based on the level of affordability of the project. [See § 65915(d)(2) and (f)]. The amount of the density bonus that the developer is entitled to receive is determined by a simple mathematical formula as set forth in subdivision (f).

Lorton Heights qualifies for the density bonus by complying with Government Code § 65915(b)(1)(D) by providing for 10% of the units for moderate income households. The zoning for this 0.172 acre site is R-4. With 19 units the density will be 111 dwelling units per acre¹. We find no restriction on density per acre for R-4 in Burlingame Municipal Code. As such no increase in density is required for the project. Should density limitations be identified by staff during the project design review process this section will be further developed.

Concessions/Incentives – subdivision (d)

The developer also has the right to request any particular incentive or concession that will positively impact the project's ability or capacity to provide units at affordable housing costs or rents for the targeted units. The local agency must approve the requested incentives or concessions

¹ Fraction is rounded up per § 65915(q)

unless it makes a statutorily prescribed written finding, based upon substantial evidence. [See § 65915(d)(1)]. If such a finding can be made to deny a particular concession, the developer would have the right to utilize another concession.

Under § 65915(d)(1), the City must grant the concession requested by the applicant unless it makes one of three written finding as specified in the statute, based upon substantial evidence. These findings, as set forth in subdivision (d)(1)(A)-(C), are limited to the following:

- A. The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k), to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).
- B. The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.
- C. The concession or incentive would be contrary to state or federal law.

Density bonus projects are entitled by right to receive between one and three incentives or concessions, depending on the level of affordability. In this case, since the developer proposes to restrict at least 10% of the units for occupancy by moderate income households, as shown in the first page of this document, the project qualifies for one concession [Govt. Code § 65915(d)(2)(A); BMC 25.63.040]. As you will see below, the project's requested concession results in identifiable and actual cost reductions for this project, consistent with the definition of a concession under state density bonus law². The requested concession is as follows:

1) Reduction in Required Parking:

BMC § 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

² Under Subdivision (k)(1), a concession or incentive means:

"A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in Section 50052.5. of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

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.

To provide the additional 7 parking spaces we would have to either eliminate all ground level open space or provide for a very complex subterranean parking system. The extra 7 parking spaces would cost at a minimum \$50,000 each, and likely much more depending on drainage and other structural requirements. The financial cost savings for the concession is estimated at \$350,000. As such, we request that the number of required parking spaces be reduced from 24 to 17.

Waivers or Reductions of Development Standards – subdivision (e)

This project site is located in a very unique area of the city. A brief survey of the surrounding properties shows the common practice of nearly the entire block the practice of building very close to the property line. Typical lot coverage greatly exceeds the code standard of 50%. The current structures on 128 Lorton are no exception. The existing on-site structures are built very close to property lines. With that said the ambition of the design team is to align with the character of the Incentive District Subarea where possible.

Density Bonus projects have the right to relief from development standards via waivers and/or reduction of development standards. The local agency must grant a waiver or modification of any development standard that would have the effect of physically precluding the construction of the density bonus project at the densities or with the concessions or incentives permitted under the law. [See § 65915(e)(1)]. Our requests for waivers are identified below.

Height - Code Section 25.29.060

BMC § 25.29.095 sets height limitations for this property. R-4 Incentive District limits the height to fifty-five (55) feet and requires a conditional use permit for projects exceeding 55 feet. However, BMC § 25.29.095 includes this site within the R-4 Incentive District Subarea and accordingly is entitled to by right high density residential uses up to 55 feet in height. If limitation of 55 feet in height standard were applied to this project it would result in the loss of either 1) an entire floor of dwelling units or 2) elimination of all upper stacked parking spaces in the parking system. This would deprive the project of the benefit of the density requested for the project or prevent the project from benefiting from the concession requested herein. We request that the development standard for maximum height be waived so that all 19 units can be constructed and no parking count reduction below proposed is required.

Lot Coverage – Code Section 25.29.070

BMC § 25.29.070 identifies the maximum lot coverage for all buildings and structures as 50% for interior lots. If the project were required to meet the standard of no greater than 50% coverage it would reduce unit count by greater than 1 unit for each floor. This would deprive the project of

the requested density and concessions. We request that the development standard for lot coverage be waived for this project.

Setback Lines – Code Section 25.29.075

BMC § 25.29.075 identifies minimum setback lines for this site. They are as follows:

- Front – 15' or the average of the actual front setback of such existing structures
- Side – 4' for lots less than 51 feet wide and an increase setback of one foot for every floor above the first floor. *We note that the current setback on the side of the lot is 2'.*
- Rear – 20' for more than 2 stories

If these setback standards were applied to this development it would result in the following:

- Front – Front access stairs would have to be moved interior to the project. This would reduce the number of bedrooms in the entire building by 1 bedroom per floor.
- Side – This results in the top floor residential space losing a total of 16 feet of usable site width. On grade parking spaces would be reduced by 4 spaces. Increase of setback by 1' per floor would result in loss of 2 units on the 4th and 5th floors of the building.
- Rear – Loss of 1 unit from each of the residential floors on the building.

These combined impacts would prevent the project from the density proposed and preclude 4 full units and an additional 4 bedrooms from the development. We request that the development standard for setbacks be waived for this project. Of note is the point that a quick study of the lots on this block show that this property is the only one without improved structures adjacent to the rear property line.

Private Open Space – Code Section 26.30.070(e)3

The project provides private open space for 5 of the 19 units. The site constraints for this project are such that additional private open space would reduce the unit count. With the future Lorton Park coming online in the very near future and the close walking distance to downtown the future residents of these units will have adequate locations to recreate outdoors. As such the cost of providing open space at the expense of losing much needed units seems a poor exchange. We request that the private open space requirement be waived for this project.

Common Open Space – Code Section 26.30.070(e)4

The project provides 500 SF of common open space at the back of the property. The site constraints for this project are such that additional common open space would require reduction of unit count or loss of parking spaces. A common question for common open space is that of providing it on the roof of the building. We have attempted on other projects to provide this amenity on other projects without success. The logistics and design to waterproofing, enhanced structural loads, consolidation of mechanical equipment, safety railing measures, meeting

accessibility standards and various other costs preclude the option of common open space on the roof of the building. We request that the common open space requirement be waived for this project.

Housing Accountability Act – Review Standards

Additionally, I am sure that the City appreciates that as a moderate-income housing development, this project also falls within the protected class under the Housing Accountability Act (HAA) [Govt. Code §65589.5]. In keeping with the legislative intent of the HAA, a local government may not reject or make infeasible a housing development that contributes to meeting the jurisdiction's need for moderate income housing as determined pursuant to the housing element process "without a thorough analysis of the economic, social, and environmental effects of the action and without complying with subdivision (d)" [Govt. Code § 65589.5(b)].

Subdivision (d) provides that a jurisdiction shall not disapprove a moderate-income housing development project or condition approval in a manner that renders the project infeasible for development of moderate income households, "including through the use of design review standards, unless it makes written findings, based upon substantial evidence in the record." Subdivision (d) delineates five very specific reasons that would authorize a jurisdiction to deny an affordable housing project. In this case, none of the statutorily prescribed reasons that would authorize such a finding are present. Additionally, if any local jurisdiction denies a moderate income housing development or conditionally approves the project, including design changes that have a substantial adverse effect on the viability or affordability of the housing development, the jurisdiction would bear the burden to show that its decision is consistent with the findings required under § 65589.5(d) and that such findings are supported by substantial evidence in the record [Govt. Code § 65589.5(i)].

We appreciate the gracious support from the City of Burlingame for affordable housing developments. Thank you for your attention and time commitments associated with your review and approval of this project. With construction costs escalating daily we request this project be processed through the approval process expeditiously to limit financial impacts to the viability of this affordable housing project.



Chris Grant
The Pacific Companies
<http://tpchousing.com/>

Product

DoubleUp Single Sided Rack

Model: 543-4010

Materials and Benefits:

- 11 gauge steel
- 1/4" x 2" flat steel hook mounts
- 3/4" solid steel locking bar
- 7/16" holes to accommodate 3/8" bolt
- 2" x 2" square support bars

Finishes:

☐ Powder Coat

Our powder coat finish assures a high level of adhesion and durability by following these steps:

1. Sanded Down
2. Washed and Dried
3. Zinc Primer
4. Powder Coat
5. UV Clear Topcoat

Size Options:

- ☐ 2 Rack / 4 Bike (41" Span, Approx 55" w/bikes)
- ☐ 3 Rack / 6 Bike (67" Span, Approx 81" w/bikes)
- ☐ 4 Rack / 8 Bike (93" Span, Approx 108" w/bikes)
- ☐ 5 Rack / 10 Bike (119" Span, Approx 134" w/bikes)

Color Options:

- ☐ Standard Color
Black

Mount Options:

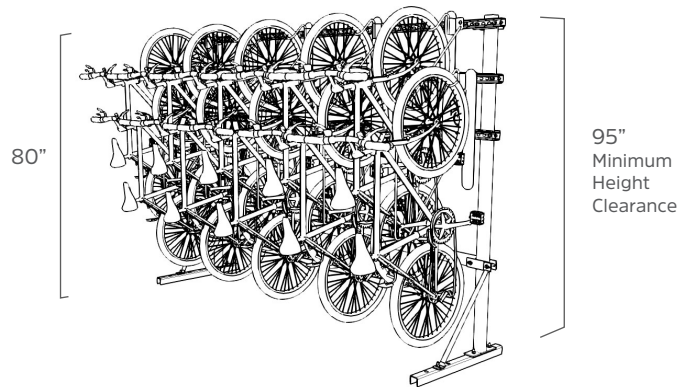
Free Standing

Space Recommendations:

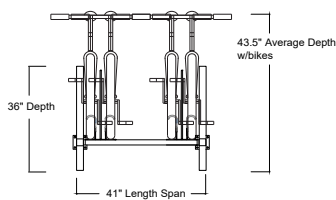
Distance from ground to bottom of rack: 42"
Ceiling height: Minimum 95"

Side wall to rack center:
Minimum 20", recommended 24"

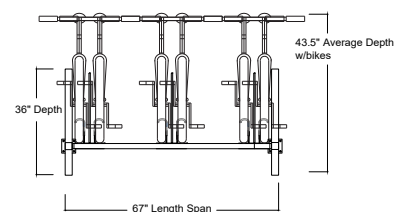
Distance between racks center to center:
Minimum 28", recommended 31"



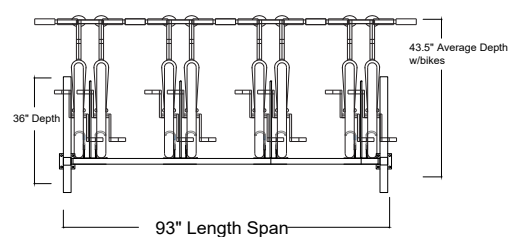
2 Rack / 4 Bike



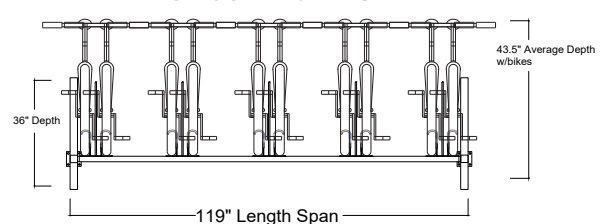
3 Rack / 6 Bike



4 Rack / 8 Bike



5 Rack / 10 Bike



5.3 DESIGN STANDARDS FOR RESIDENTIAL AREAS

Residential buildings in Downtown Burlingame offer higher density development than elsewhere in the City, providing a lifestyle for those who want to live within walking distance of the Downtown commercial areas and transit opportunities. New buildings will mediate this density with thoughtful design and details that create attractive, livable residential environments. Buildings should contribute to an appealing neighborhood character and should employ recognizable residential design details such as visible residential entries, porches, bay windows and roof overhangs, and balconies and small outdoor areas.

Below are recommendations for the architectural treatment and organization of buildings and open space, and the suggested criteria for reviewing projects during the design review process.

5.3.1 ARCHITECTURAL DIVERSITY

Residential projects should respect the diversity of building types and styles in the residential areas Downtown and seek to support it by applying the following principles:

- Design buildings to maintain general compatibility with the neighborhood.
- Respect the mass and fine scale of adjacent buildings even when using differing architectural styles.
- Maintains the tradition of architectural diversity, but with human scale regardless of the architectural style used.
- Create buildings with quality materials and thoughtful design to last into the future.

5.3.2 PEDESTRIAN USE AND CHARACTER

5.3.2.1 Entrances

Primary pedestrian access to all ground-level uses should be from the sidewalk along the public street. Entries should be clearly defined features of front façades. Common entrances for multiple units are



FIGURE 5-27: Buildings should contribute to an appealing neighborhood character and should employ recognizable residential design details such as visible residential entries, porches, bay windows and roof overhangs, and balconies and small outdoor areas.



FIGURE 5-28: Entries should be clearly defined features of front façades, and are encouraged to have appropriately-scaled, usable gathering spaces that invite informal social interaction with neighbors.

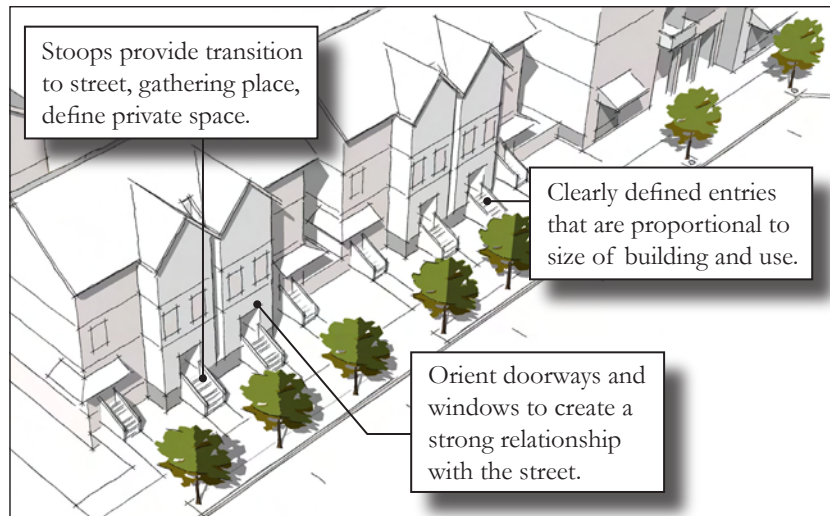


FIGURE 5-29: The street-level frontage should be visually interesting with frequent unit entrances and strong orientation to the street.



FIGURE 5-30: Articulation, setbacks, and materials should minimize massing, break down the scale of buildings, and provide visual interest.

encouraged to have appropriately-scaled, usable gathering spaces at or adjacent to entrances that invite informal social interaction with neighbors.

5.3.2.2 Ground Level Treatment

Residential development may have a finished floor elevation up to 5 feet above sidewalk level to provide more interior privacy for residents. Entry porches or stoops along the street are encouraged to bridge this change in elevation and connect these units to the sidewalk to minimize any physical separation from the street level. The street-level frontage should be visually interesting with frequent unit entrances and clear orientation to the street.

5.3.2.3 Site Access

Curb cuts should be minimized to promote traffic and pedestrian safety and create cohesive landscaping and building façades. A maximum of two curb cuts should be provided for projects requiring 30 parking spaces or more; for projects with less than 30 spaces, only one curb cut should be provided. One-way driveways should have curb cuts with a fully depressed width no greater than 12 feet; two-way curb cuts should be no greater than 22 feet. On-site bicycle parking for residents is encouraged.

5.3.3 ARCHITECTURAL COMPATIBILITY

5.3.3.1 Development Massing

The residential areas within Downtown Burlingame have a range of building heights, and so particular attention must be paid to the massing of new buildings to ensure an appropriate transition with surrounding development. Massing and street façades shall be designed to create a residential scale in keeping with Burlingame neighborhoods.

Articulation, setbacks, and materials should minimize massing, break down the scale of buildings, and provide visual interest.

5.3.3.2 On-Site Structured Parking

Given the density and premium land values Downtown, new projects will likely provide on-site parking in enclosed garage structures, underground, or in “semi-depressed” garages that are partially underground and partially above ground.

Parking should not be allowed to dominate the character of the project. Where enclosed parking is at ground level, it should be fronted or wrapped with habitable uses when possible. If it is not possible to fully wrap the parking, it should be incorporated into the design of the facade. Semi-depressed parking (partly below ground and partly exposed above ground) should be screened with architectural elements that enhance the streetscape such as stoops, porches, or balcony overhangs.

5.3.3.3 Roof Treatment

Interesting and varied roof forms are encouraged. Rooflines should emphasize and accentuate significant elements of the building such as entries, bays, and balconies. Rooftop equipment shall be concealed from view and/or integrated within the architecture of the building.

5.3.4 ARCHITECTURAL DESIGN CONSISTENCY

5.3.4.1 Facade Design

Facades should include projecting eaves and overhangs, porches, and other architectural elements that provide human scale and help break up building mass. All exposed sides of a building should be designed with the same level of care and integrity. Facades should have a variation of both positive space (massing) and negative space (plazas, inset doorways and windows).

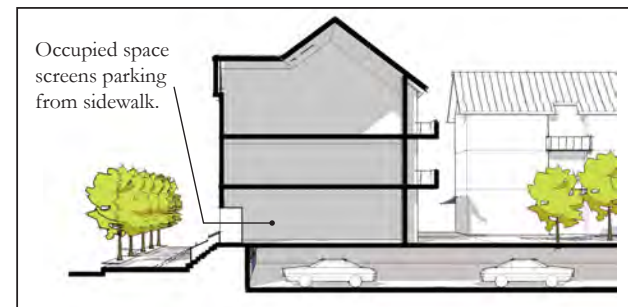
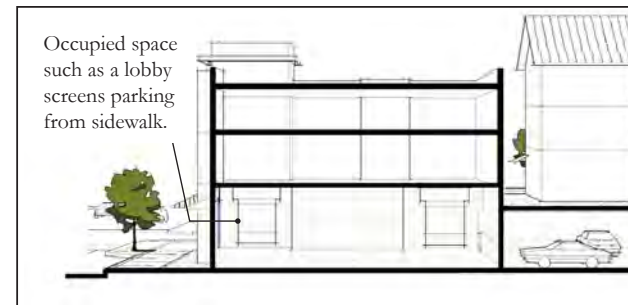


FIGURE 5-31: Where enclosed parking is at ground level, it should be fronted or wrapped with uses that can be occupied such as lobbies and living space when possible.

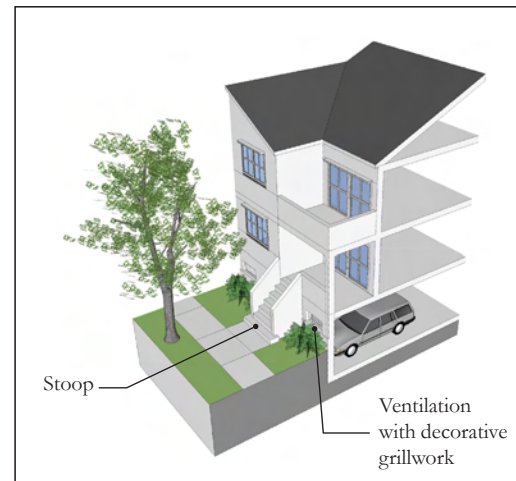


FIGURE 5-32: Semi-depressed parking should be screened with architectural elements that enhance the streetscape such as stoops, porches, or balcony overhangs.

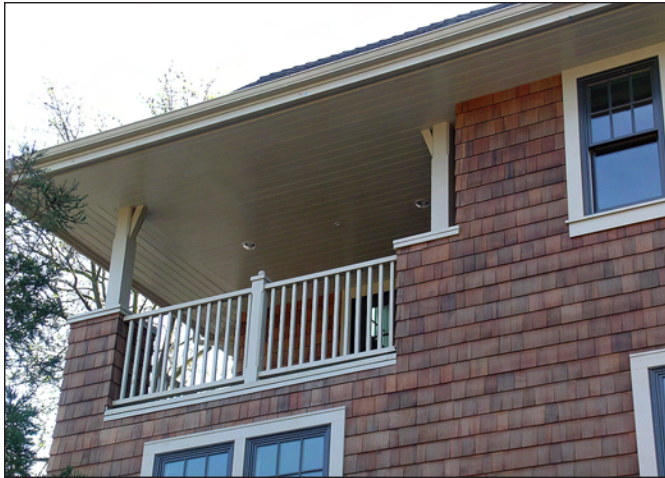


FIGURE 5-33: Residential facades should include projecting eaves and overhangs, porches, and other architectural elements that provide human scale and help break up building mass.



FIGURE 5-34: Windows should be inset generously from the building wall to create shade and shadow detail.

Elements such as entrances, stairs, porches, bays and balconies should be visible to people on the street. Corner parcels are encouraged to incorporate features such as corner entrances, bay windows, and corner roof features, but should avoid monumentally-scaled elements such as towers.

5.3.4.2 Windows

Building walls should be accented by well-proportioned openings that provide relief, detail and variation on the façade. Windows should be inset generously from the building wall to create shade and shadow detail. The use of high-quality window products that contribute to the richness, detail, and depth of the façade is encouraged. Windows with mullions should have individual window lights, rather than applied "snap-in" mullions that lack depth and are not integral to the window structure. Reflective glass is undesirable because of its tendency to create uncomfortable glare conditions and a visual barrier. Where residential uses are adjacent to each other, windows should be placed with regard to any open spaces or windows on neighboring buildings so as to protect the privacy of residents.

5.3.4.3 Materials

Building materials should be richly detailed to provide visual interest. The use of materials that are reflected in the historic architecture present in the neighborhood is encouraged. Metal siding and large expanses of stucco or wood siding are also to be avoided. Roofing materials and accenting features such as canopies, cornices, tile accents, etc. should also offer color variation. Residential building materials should include quality details such as wrought iron, wood-framed windows, wood brackets and tile roofs.

5.3.5 SITE AMENITIES

5.3.5.1 Setbacks

Table 3-2 in Chapter 3 specifies basic building standards such as setbacks and height. Building setbacks are intended to create

a transition between the hardscape, urban environment of the commercial areas and the suburban setting in the surrounding neighborhoods. Setbacks have multiple purposes, including providing sunlight, places for landscaping, and areas for activity and recreation.

Building setbacks should be appropriately landscaped to provide screening and introduce trees and plantings in this area. Landscaped setback areas should be integrated with buildings by providing openings in the building walls that connect the perimeter landscaping with interior courtyards and landscape pathways. Landscaping should be planned in relation to surrounding vegetative types with special consideration being given to native species where possible. Pathways and courtyards should be made of pervious materials to allow groundwater absorption.

5.3.5.2 Open Space

Private on-site open space within the Downtown area is not intended to provide recreational space or large landscaped areas, since this is a more urban environment. However, open space is an important element for residential buildings and should be used to effectively articulate building forms, promote access to light and fresh air, and maintain privacy for Downtown residents. In residential development, most open space should be used to provide attractive amenities for residents, including interior courtyards, outdoor seating options and perimeter landscaping. Balconies and rooftop terraces are encouraged.

Where open space is situated over a structural slab, podium or rooftop it should have a combination of landscaping and high quality paving materials, including elements such as planters, medium-sized trees, and use of textured and/or colored paved surfaces. Planters may be designed to not only accommodate colorful ornamental landscaping, but could also accommodate garden plots for "urban agriculture." Trees should be selected from the City's tree list.



FIGURE 5-35: Where open space is situated over a structural slab, podium or rooftop it should have a combination of landscaping and high quality paving materials, including elements such as planters, mature trees, and urban agriculture.



FIGURE 5-36: Transitions of development intensity from higher density development building types to lower can be done through building types or treatments that are compatible with the lower intensity surrounding uses. Boundaries can be established by providing pedestrian paseos and mews to create separation, rather than walls or fences.

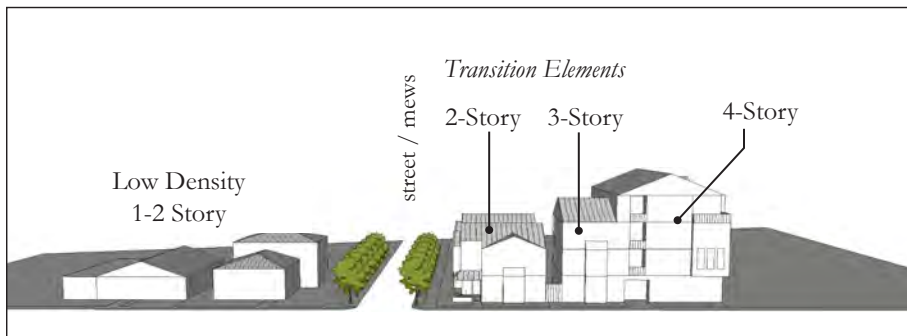


FIGURE 5-37: Transitions can also be made by stepping massing down within a project, with lower building elements providing a buffer between taller elements and adjacent lower-density development.

5.4 ADDITIONAL DESIGN STANDARDS FOR ALL AREAS OF DOWNTOWN

5.4.1 LAND USE TRANSITIONS

Where appropriate, when new projects are built adjacent to existing lower-scale residential development, care shall be taken to respect the scale and privacy of adjacent properties.

5.4.1.1 Massing and Scale Transitions

Transitions of development intensity from higher density development building types to lower can be done through different building sizes or massing treatments that are compatible with the lower intensity surrounding uses. Massing and orientation of new buildings should respect the massing of neighboring structures by varying the massing within a project, stepping back upper stories, reducing mass by composition of solids and voids, and varying sizes of elements to transition to smaller scale buildings.

5.4.1.2 Privacy

Privacy of neighboring structures should be maintained with windows and upper floor balconies positioned so they minimize views into neighboring properties, minimizing sight lines into and from neighboring properties, and limiting sun and shade impacts on abutting properties.

5.4.1.3 Boundaries

Where appropriate, when different land uses or building scales are adjacent, boundaries should be established by providing pedestrian paseos and mews to create separation, rather than walls or fences.

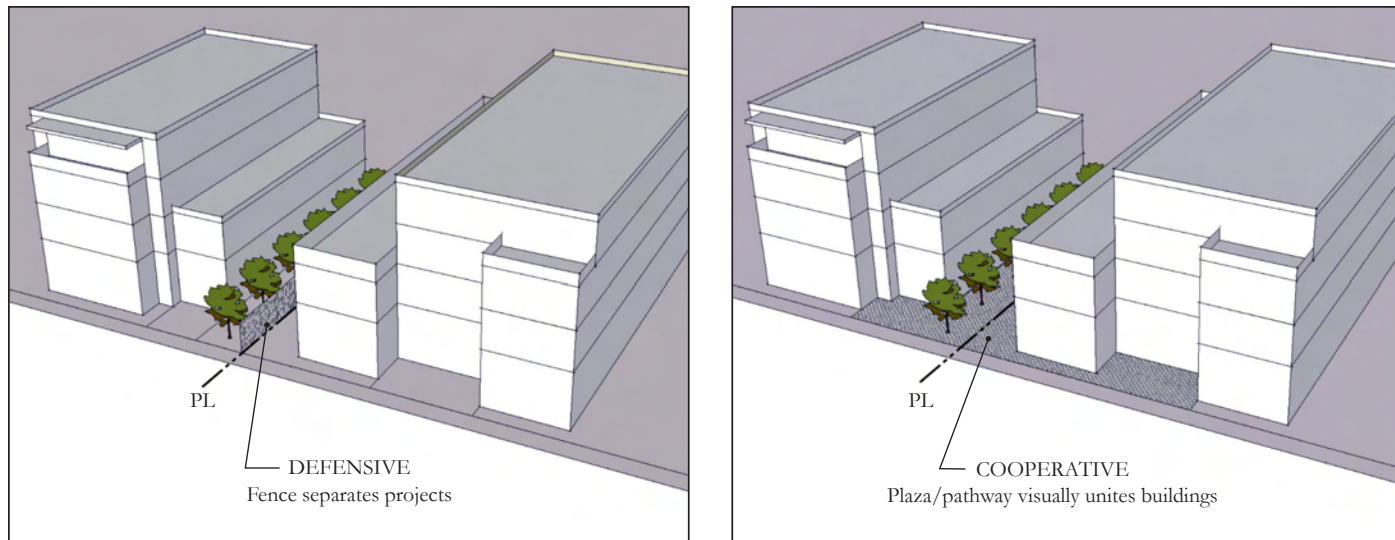


FIGURE 5-38: Following a cooperative, rather than defensive design approach for the spaces between buildings results in a more coherent downtown feel, as opposed to a collection of unrelated projects.



FIGURE 5-39: Example of two different land use intensities joined with a common paseo pathway.

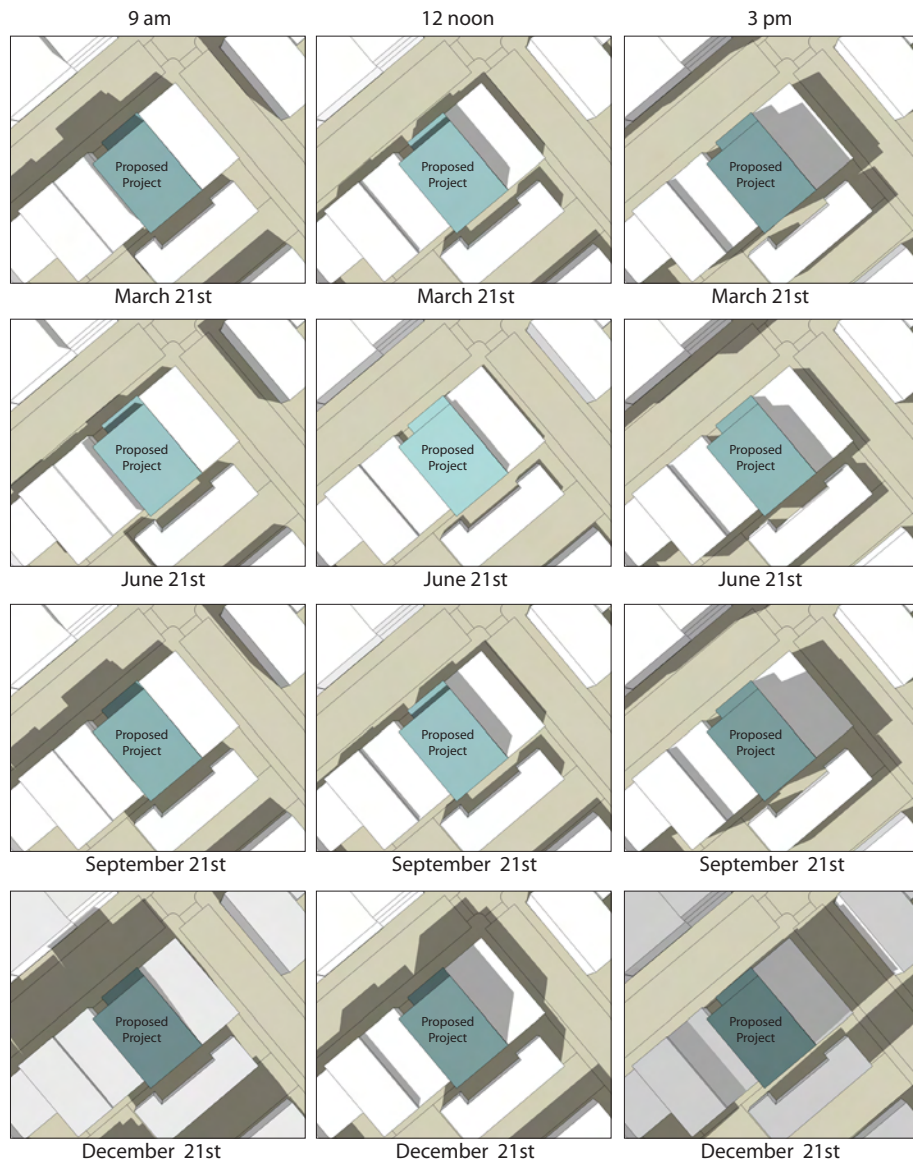


FIGURE 5-40: Sample shadow analysis shows the range of shading conditions through the year.

5.4.2 SHADOW IMPACTS

Every building invariably casts some shadows on adjoining parcels, public streets, and/or open spaces. However, as the design of a project is developed, consideration should be given to the potential shading impacts on surroundings. Site plans, massing, and building design should respond to potential shading issues, minimizing shading impacts where they would be undesirable, or conversely maximizing shading where it is desired.

As part of the design review process, development in the Specific Plan Area that is proposed to be taller than existing surrounding structures should be evaluated for potential to create new shadows/shade on public and/or quasi-public open spaces and major pedestrian routes. At a minimum, shadow diagrams should be prepared for 9 AM, 12 noon, and 3 PM on March 21st, June 21st, September 21st, and December 21st (approximately corresponding to the solstices and equinoxes) to identify extreme conditions and trends. If warranted, diagrams could also be prepared for key dates or times of day — for example, whether a sidewalk or public space would be shaded at lunchtime during warmer months.

5.4.3 SUSTAINABILITY AND GREEN BUILDING DESIGN

Project design and materials to achieve sustainability and green building design should be incorporated into projects. Green building design considers the environment during design and construction and aims for compatibility with the local environment: to protect, respect and benefit from it. In general, sustainable buildings are energy efficient, water conserving, durable and nontoxic, with high-quality spaces and high recycled content materials. The following considerations should be included in site and building design:

- Resilient, durable, sustainable materials and finishes.
- Flexibility over time, to allow for re-use and adaptation.
- Optimize building orientation for heat gain, shading, daylighting, and natural ventilation.
- Design landscaping to create comfortable micro-climates and reduce heat island effects.
- Design for easy pedestrian, bicycle, and transit access, and provide on-site bicycle parking.
- Maximize on-site stormwater management through landscaping and permeable pavement.
- On flat roofs, utilize cool/white roofs to minimize heat gain.
- Design lighting, plumbing, and equipment for efficient energy use.
- Create healthy indoor environments.
- Pursue adaptive re-use of an existing building or portion of a building as an alternative to demolition and rebuilding.
- Use creativity and innovation to build more sustainable environments. One example is establishing gardens with edible fruits, vegetables or other plants as part of project open space, or providing garden plots to residents for urban agriculture.

To reduce carbon footprint, new projects are encouraged to follow the standards and guidelines of the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, developed by the U.S. Green Building Council (USGBC), and pursue LEED certification if appropriate.

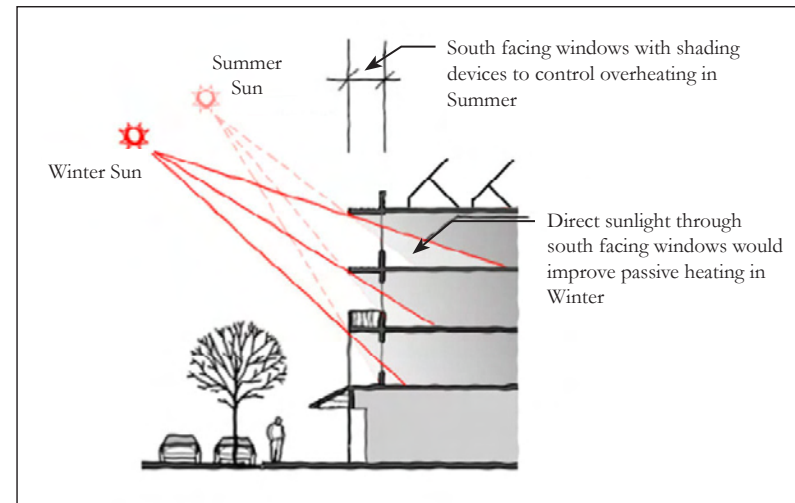


FIGURE 5-41: Use of shading devices to control solar loads in summer and gain passive heat in winter.



FIGURE 5-42: Minimize stormwater runoff to impermeable areas with landscaping, green roofs, and rain gardens when possible.



FIGURE 5-43: Consistent with Burlingame's status as "Tree City USA," new projects are required to incorporate trees into landscape and private open space plans.

5.4.4 LANDSCAPE TREES

The City of Burlingame has a long history of proactive tree planting and proper tree care. From the late 1800's when trees were planted along El Camino Real and Easton Drive to the current day, Burlingame has enjoyed the many benefits trees provide to an urban area. Burlingame's longtime commitment to trees is evidenced by recognition as a "Tree City USA" for 30 consecutive years. This is the longest streak in the County, 5th longest in the State and one of the longest in the Country for receiving this award.

In Downtown Burlingame, trees include street trees lining sidewalks and roadways (typically within the public right-of-way), as well as trees on private property in settings such as landscaped setback areas, courtyards, and roof gardens.

Chapter 4: Streetscapes & Open Space) provides guidance for street trees within the public right-of-way. Landscape trees on private property have equal importance as part of the "urban forest," in contributing environmental and aesthetic benefits to downtown. Trees are important for their beauty, shade and coolness, economic benefits, and role in reducing energy use, pollution, and noise.

The City of Burlingame has an Urban Forest Management Plan that includes policies and management practices for both city and private trees. Maintaining existing trees is a priority, and large trees on private property are protected by City Ordinance. Any tree with a circumference of 48 inches or more when measured 54 inches above the ground is a "Protected Tree." A permit is required to remove or heavily prune a protected tree.

Consistent with Burlingame's status as "Tree City USA," new projects are required to incorporate trees into landscape and private open space plans. Property owners should consult the Burlingame Urban Forest Management Plan for design considerations, planting techniques, and maintenance guidance.

5.4.5 PRESERVATION OF HISTORIC BUILDINGS

Downtown Burlingame is the symbolic and historic center of the City. The vision for Downtown is to preserve the mix of buildings, the pedestrian-scaled environment and the carefully designed public spaces that contribute to its special community character. Downtown's flexible and timeless late 19th and early 20th Century buildings contribute historic character and distinctiveness to this desirable pattern and mix of buildings. New buildings should be sensitive to the historic scale and architecture of Downtown.

Historic preservation and adaptive re-use is encouraged both to maintain the unique ambience of Downtown Burlingame but also for ecological benefits. Preservation maximizes the use of existing materials and infrastructure, reduces waste, and preserves historic character. Historic buildings were often traditionally designed with many sustainable features that responded to climate and site, and when effectively restored and reused, these features can bring about substantial energy savings.

The guidelines in this chapter, together with the *Commercial Design Guidebook* for commercial and mixed use developments and the *Inventory of Historic Resources* are intended to ensure that both new development and improvements to existing properties are compatible with the historical character of Downtown and will be the basis of design review.

Where a building is described in the *Inventory of Historic Resources*, the inventory should be consulted as part of the design review. Building characteristics described in the inventory should be a consideration in project design and review, together with other design considerations described in this chapter and in the *Commercial Design Guidebook*.



FIGURE 5-44: Downtown's late 19th and early 20th Century buildings contribute historic character and distinctiveness to this desirable pattern and mix of buildings.

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BURLINGAME
APPROVING AN APPLICATION FOR CATEGORICAL EXEMPTION, DESIGN REVIEW,
CONDOMINIUM PERMIT, AND DENSITY BONUS FOR CONSTRUCTION OF A NEW 19-
UNIT RESIDENTIAL CONDOMINIUM AT 128 LORTON AVENUE**

WHEREAS, on November 27, 2018, Chris Grant filed an application with the City of Burlingame Community Development Department – Planning Division requesting approval of the following requests:

- 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).

WHEREAS, on October 15, 2019 the Planning Commission conducted a duly noticed public hearing (design review study) to review a 19-unit residential condominium project. At that time the Planning Commission requested additional information and asked the applicant to consider making changes to the project to address their concerns; and

Following consideration of all information contained in the July 13, 2020 staff report to the Planning Commission regarding the project, all written correspondence, and all public comments received at the public hearing, the Planning Commission grants approval of the 19-unit residential condominium project based on the following findings regarding the project entitlements:

Design Review Findings:

- 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.

Condominium Permit Findings:

- 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.

WHEREAS, said matters were heard by the Planning Commission of the City of Burlingame on July 13, 2020, at which time it reviewed and considered the staff report and all other written materials and testimony presented at said hearing;

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

Section 1. On the basis of the documents submitted and reviewed, and comments received and addressed by this Commission, it is hereby found that there is no substantial evidence that the project set forth above will have a significant effect on the environment, and categorical exemption, per CEQA Section 15332, In-Fill Development Projects, is hereby approved.

Section 2. Said Design Review, Condominium Permit, and Density Bonus are approved subject to the conditions set forth in Exhibit "A" attached hereto. Findings for such Design Review, Condominium Permit, and Density Bonus are set forth in the staff report, minutes, and recording of said meeting.

Section 3. It is further directed that a certified copy of this resolution be recorded in the official records of the County of San Mateo.

Chairman

I, _____, Secretary of the Planning Commission of the City of Burlingame, do hereby certify that the foregoing resolution was introduced and adopted at a regular meeting of the Planning Commission held on the 13th day of July, 2020, by the following vote:

Secretary

EXHIBIT "A"

Conditions of Approval for Categorical Exemption, Design Review, Condominium Permit, and Density Bonus.

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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

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- (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;

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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.

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- 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;

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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;

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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.

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- 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

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- 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

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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 archaeologist 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

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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.

CITY OF BURLINGAME

City Hall – 501 Primrose Road
Burlingame, California 94010-3997



COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division
PH: (650) 558-7250
FAX: (650) 696-3790

PUBLIC HEARING NOTICE

The City of Burlingame Planning Commission announces the following public hearing on
Monday, July 13, 2020 at 7:00 P.M.

Project Location: 128 Lorton Avenue, zoned R-4 (APN: 029-231-210)

Description: Application for Design Review, Condominium Permit and Density Bonus Concessions and Waivers/Modifications for a new 5-story, 19-unit residential condominium building with at-grade parking.

Pursuant to the CDC's social distancing guidelines which discourage large public gatherings, the Planning Commission meeting will be held via Zoom, a teleconference platform (see below for access details). The Council Chambers will not be open to the public for the July 13, 2020 Burlingame Planning Commission meeting.

To access the meeting by computer:

Go to www.zoom.us/join
Meeting ID: 846 2316 9257
Password: 116435

To access the meeting by phone:

Dial 1-669-900-6833
Meeting ID: 846 2316 9257
Password: 116435

Members of the public may provide written comments by email to publiccomment@burlingame.org. Comments submitted during the meeting will be read aloud by staff for the record.

Questions/Comments

If you have any questions about the proposed project or would like to schedule an appointment to view a hard copy of the application and plans, please contact Ruben Hurin, staff planner for the project, at rhurin@burlingame.org or (650) 558-7256. Written comments on the project may also be emailed to the staff planner prior to the public hearing. We encourage you to review the proposed plans for this project online now at www.burlingame.org/planningcommission/agenda.

Agenda and Staff Reports

The City of Burlingame will publish the meeting agenda at 5 p.m. on Thursday, July 9, 2020. The agenda will be available online at www.burlingame.org/planningcommission/agenda and will contain the staff report, related documents, and proposed plans for this application. The agenda will also be posted at City Hall, 501 Primrose Road, Burlingame, CA. A hardcopy of the staff report and related documents may be obtained upon request to the staff planner (see contact information above).

(please refer to other side)

PUBLIC HEARING NOTICE

Accessibility

In compliance with the Americans with Disabilities Act, individuals who require special assistance or a disability-related modification or accommodation to participate in this meeting, or who have a disability and wish to request an alternative format for the agenda, meeting notice, agenda packet or other writings that may be distributed at the meeting, should contact the Planning Division at planningdept@burlingame.org or (650) 558-7250, by 10:00 a.m. on Monday, July 13, 2020. Notification in advance of the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting, the materials related to it, and your ability to comment.

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

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

Kevin Gardiner, AICP
Community Development Director

Mailed: July 2, 2020

128 Lorton Avenue
300' noticing
APN #: 029.231.210

