

City of Burlingame

Amendment to Design Review and Density Bonus Waivers/Modifications

Item No. 8c
Regular Action Item

Address: 128 Lorton Avenue

Meeting Date: September 14, 2020

Request: Application for Amendment to Design Review and Density Bonus Waivers/Modifications for changes to a previously approved 19-unit residential condominium.

Applicant: Chris Grant, The Pacific Companies

APN: 029-231-210

Property Owner: Lorton Management Corp.

Lot Area: 7,500 SF

Architect: SDG Architects

General Plan Designation: Downtown Specific Plan

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

Environmental Review: The proposed amendment to increase the height of the building falls within the scope of the CEQA Class 32 Infill Exemption previously approved for the project. The CEQA Class 32 Infill Exemption may be downloaded at www.burlingame.org/128lorton.

History: An 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 at 128 Lorton Avenue was recently approved by the Planning Commission on July 13, 2020 (see attached July 13, 2020 Planning Commission Minutes). The applicant has not yet submitted for a building permit.

Proposed Amendment to Design Review and Density Bonus Waivers/Modifications: As part of the Density Bonus Ordinance, Code Section 25.63.050 allows waivers/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 approved application included 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 approved project includes 10% of the total units (2) as moderate-income units. The following waivers/modifications of development standards were granted by the Planning Commission on July 13, 2020:

- *Front, Left and Right Side, and Rear Setback Requirements:*

Front Setback: 5'-0" front setback to all floors of the building, where 18'-6" is required based on the average of the block. 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: 0'-0" left side setback 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: 5'-0" right side setback 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: 10'-0" rear setback 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:* 79.6% (5,977 SF) where 50% (3,750 SF) is the maximum allowed.
- *Private Open Space:* 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:* 500 SF of common open space 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.
- *Building Height:*
 - 53'-0" to top of main building
 - 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)).

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 with a Conditional Use Permit is 75'-0".

With this application, the applicant is requesting approval of an Amendment to Design Review and Density Bonus Waivers/Modifications to increase the overall building height (see proposed building height in the discussion below). The approved overall building height of 59'-6" was measured to the top of the stair and elevator enclosures because they covered more than 5% of the roof area.

The applicant's letter and proposed plans, dated September 3, 2020, outlines and provides details for two options which are summarized below: "Option 1" is the preferred option, and "Option 2" is a secondary option that has also been considered by the applicant. Please refer to the explanation letter and proposed plans submitted by the applicant for more detailed information.

Option 1 (preferred option, plan sheets 1-11): Increases the building height to:

- 63'-2" to top of the main building
- 66'-8" to top of parapet
- 69'-8" to top of stair and elevator enclosures (75'-0" maximum allowed)

Option 1 represents an overall increase of 10'-2" compared to the originally approved building height and consists of the following: an additional 3'-6" of height at the ground floor to accommodate clearances for vehicle lifts, utility lines from the residential units above, and a 24-inch post-tensioned concrete slab podium; and an additional 1'-8" on each of the four floors for the increased depth of floor structure assembly and to provide 10'-0" ceiling heights (originally approved plans did not provide ceiling height dimensions, only noted floor-to-floor heights of 10'-0").

Option 2 (secondary option, plan sheets 12-21): Increases the building height to:

- 61'-2" to top of the main building
- 62'-4" to top of parapet
- 64'-8" to top of stair and elevator enclosures (75'-0" maximum allowed)

Option 2 represents an overall increase of 5'-2" compared to the originally approved building height. Option 2 is similar in that there is an additional 3'-6" of height at the ground floor for the same reasons noted above, but that the ceiling heights in two of the floors are 9'-0" (instead of 10'-0") and that the stair and elevator enclosures are reduced in height by 3'-0".

FYI Condition of Approval: The Planning Commission approved the project with the following condition of approval:

- that prior to the submittal of a building permit, the applicant shall apply for an FYI that includes a materials board, window specifications, clarifies which windows will be operable, and further defines the detailing and articulation of the northwest elevation;

Rather than submitting a separate FYI, staff thought it would make sense to bring this information now along with the request for an Amendment.

1. Since City Hall is currently closed to the public, the materials board will be available for Planning Commission review Friday, September 11th through Monday, September 14th, at the rear entrance to City Hall (adjacent to parking lot).
2. The proposed building elevations and Operable Windows Exhibit clarifies which windows will be operable. On the Operable Windows Exhibit, all operable windows are shaded blue.
3. The proposed Northwest Elevation shows that the lower level wall will contain cement plaster control joints for detailing/articulation.

The applicant noted that a window manufacturer has not yet been chosen, so windows specifications are not available at this time; they will be provided as an FYI item at a future date.

Lastly, several changes and clarifications to the exterior facades of the building are shown on the proposed plans, including showing wall-mounted exterior lights, adjusting openings at the garage level, providing missing edge trim, and adjusting windows mullions. Please refer to the architect's letter, dated September 3, 2020 for a detailed list of the adjustment made on each building façade.

Summary of Previously Approved Project: The approved project is a new five-story, 19-unit residential condominium building with an enclosed at-grade parking garage. The project site is located immediately adjacent and to the south of the approved five-level public parking garage (construction is underway). The building will contain 19 residential units in four floors above an enclosed at-grade parking garage. The 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).

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

For reference, the Development Table below provides a comparison of the previously approved project to the R-4 Incentive District and Condominium Subdivision 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 + additional 1'-0" for each floor above the first floor |
| Right Side Setback: | 5'-0" (all floors) ¹ | 5'-0" on first floor + additional 1'-0" for each floor above the first floor |
| Rear Setback: | 10'-0" (all floors) ¹ | 20'-0" (all floors) |
| 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) | <u>28 bedrooms x 0.5 = 14</u> <i>14 spaces by California State Government Code</i> 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> <i>24 spaces by Zoning Code</i> |

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

² Density bonus waiver/modification for lot coverage requirements.

³ Density bonus waiver/modification 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 for private open space requirements.

⁵ Density bonus waiver/modification for common open space requirements.

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.

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 September 3, 2020, Option 1, sheets A2.0 through A3.0 and Operable Windows Exhibit;
2. that prior to the submittal of a building permit, the applicant shall apply for an FYI that includes a materials board, window specifications, clarifies which windows will be operable, and further defines the detailing and articulation of the northwest elevation;
3. 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;
4. 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;
5. 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;
6. 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);
7. 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;
8. that the required affordable dwelling units shall be built on-site and shall be constructed concurrently with market-rate units;
9. 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);

10. 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;
11. 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;
12. that the final inspection shall be completed and a certificate of occupancy issued before the close of escrow on the sale of each unit;
13. 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;
14. 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.
15. 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;
16. 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;
17. that all construction shall abide by the construction hours established in the Municipal Code;

18. 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.
19. 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;
20. 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.

21. that all off-road diesel-powered equipment used during construction is equipped with U.S. Environmental Protection Agency (EPA) Tier 4 “final” engines;
22. 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;
23. 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;
24. that storage of construction materials and equipment on the street or in the public right-of-way shall be prohibited;
25. 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;
26. 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;
27. 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;
28. 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;
29. 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;
30. that the applicant shall coordinate with the City of Burlingame Parks Division regarding the planting of two (2) street trees along Lorton Avenue;
31. 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;
32. 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;
33. that the applicant shall comply with Ordinance 1503, the City of Burlingame Storm Water Management and Discharge Control Ordinance;
34. that the project shall meet all the requirements of the California Building and Uniform Fire Codes, as amended by the City of Burlingame;

35. 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:

36. that prior to scheduling the foundation inspection a licensed surveyor shall locate the property corners, set the building envelope;
37. 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;
38. 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;
39. 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;
40. that the maximum elevation to the top the stair and elevator enclosures shall not exceed elevation 106.74 and elevation 103.74 to the top of the building parapet, as measured from the average elevation at the top of the curb along Lorton Avenue (37.06') for a maximum height not to exceed 69'-8" to the top of the stair and elevator enclosures and 63'-2" 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:

41. 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;
42. the project sponsor shall implement all appropriate control measures from the most currently adopted air quality plan at the time of project construction;
43. 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.
44. 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.
45. 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;
46. 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);
47. 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;
48. 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;
49. 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;
50. 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;

51. 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;
52. 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.
53. 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;
54. 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.
55. 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.

56. 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;
57. 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
58. 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:

Applicant's Explanation Letter, dated September 3, 2020
July 13, 2020 Planning Commission Meeting Minutes
Density Bonus Application, dated April 2, 2020
Planning Commission Resolution (Proposed)
Notice of Public Hearing – Mailed July September 4, 2020
Area Map