



**LETTER**

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**Date:** 9/3/2020

**To:** Ruben Hurin

**Address:** City of Burlingame  
501 Primrose Road  
Burlingame, CA 94010

**From:** Brent Randall

**Via:** Hand Delivered

**Subject:** 128 Lorton Avenue Project - Letter of Changes

**Project:** 346.010 - TPC Burlingame

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Dear Ruben,

Greetings.

This letter accompanies the bound sets of 21 drawings dated 9/3/2020 v.2 that were delivered to your office today. You should be physically receiving (1) full-size set and (9) half-size sets. Integrated into each set of drawings are "Exhibit of Changes" sheets that graphically call out the changes that are different than the 2/7/20 City Planning approved building section and exterior elevations. This letter collects those sheets of graphic changes and formats them into a single written list.

The proposed changes are presented as two main options.

Option 1 is the preferred option that requests a building height of 63'-2" above finish grade. The City Planning approved building section shows a building height of 56'-6", so the requested change is for an additional 6 feet 8 inches. Option 1 is sheets one through eleven.

Option 2 is a secondary option that requests a building height of 61'-2" above finish grade. The requested change for this option is for an additional 4 feet 8 inches. Option 2 is sheets twelve through twenty one.

**1.00 OPTION 1**

**1.01 Building Section**

A. Floor 1 (Garage) – vertical dimension from floor to floor increased 3'-6" due to the following requirements: 12'-6" clearance required for parking lift structure, clearance for utility lines from residential units above, and 24 inch thick post-tensioned concrete slab podium

B. Floors 2 – 5 (Residential Units) – vertical dimension from floor to floor increased 1'-8" at each floor due to required increased depth of floor structure assembly, and the need to provide 10'-0" high ceilings.

**1.02 Lorton Ave Elevation – Southwest**

A. Floor 3 – Provide wall-mounted exterior light at private balcony.

**1.03 Side Elevation – Northwest (City Garage)**

A. Floor 1 - Eliminate door with associated exterior wall-mounted light. Door is not required for fire exiting.

Use main entry doors to building as fire exit. Provide window at intermediate stair landing.

B. Floor 1 - Resolution of Issue identified with Planning Commission Meeting Minutes dated 7/13/20: Add cement plaster control joints for articulation at gray wall area.

C. Floor 2 – Provide wall-mounted exterior lights at two (2) private balconies.

#### 1.04 Rear Elevation – Northeast

A. Floor 1 - Adjust opening at garage level to provide exit from garage, provide mechanical exhaust vent, and provide covered alcove for bike storage that protects bicycles from the weather and frees up more of the rear yard for community use.

B. Floors 2 through 4 – At rear stair tower element, provide missing edge trim at exposed side of stone veneer, and add trim around stair window element in the stone veneer so they match the front elevation trim. Maintain consistent detailing throughout the building.

#### 1.05 Side Elevation – Southeast

A. Floor 1 - Provide wall-mounted exterior lights for required illuminated fire exit path from rear stair exit to Lorton Avenue. Provide missing edge trim at exposed side of stone veneer. Maintain consistent detailing throughout the building.

B. Floors 2 through 4 – UNIT B2: Adjust mullions in windows at southwest corner of building to provide operable casement windows that match the standard sizes used throughout the entire project. Maintain consistent detailing throughout the building.

C. Floor 5 – UNIT C1: Adjust mullions in two windows to provide operable casement windows that match the standard sizes used throughout the entire project. Maintain consistent detailing throughout the building.

D. Floor 5 – At the middle of the building parapet on this side of the building, fix error in conceptual building model, which shows gap to roof level. Provide solid wall around perimeter of roof for safety of maintenance staff.

#### 1.06 Operable Windows Exhibit

A. Resolution of Issue identified with Planning Commission Meeting Minutes dated 7/13/20: City-approved elevations do not show or identify any operable windows. This exhibit shows and clearly identifies which windows are operable and fixed.

### 2.00 OPTION 2

#### 2.01 Building Section

A. Floor 1 (Garage) – vertical dimension from floor to floor increased 3'-6" due to the following requirements: 12'-6" clearance required for parking lift structure, clearance for utility lines from residential units above, and 24 inch thick post-tensioned concrete slab podium

B. Floors 2 and 3 (Residential Units) – vertical dimension from floor to floor increased 8" at each floor due to required increased depth of floor structure assembly, and the need to provide 9'-0" high ceilings.

C. Floors 4 and 5 (Residential Units) – vertical dimension from floor to floor increased 1'-8" at each floor due to required increased depth of floor structure assembly, and the need to provide 10'-0" high ceilings.

#### 2.02 Lorton Ave Elevation – Southwest

A. Floor 3 – Provide wall-mounted exterior light at private balcony.

#### 2.03 Side Elevation – Northwest (City Garage)

A. Floor 1 - Eliminate door with associated exterior wall-mounted light. Door is not required for fire exiting. Use main entry doors to building as fire exit. Provide window at intermediate stair landing.

B. Floor 2 – Provide wall-mounted exterior lights at two (2) private balconies.

#### 2.04 Rear Elevation – Northeast

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B. Floors 2 through 4 – UNIT B2: Adjust mullions in windows at southwest corner of building to provide operable casement windows that match the standard sizes used throughout the entire project. Maintain consistent detailing throughout the building.

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D. Floor 5 – At the middle of the building parapet on this side of the building, fix error in conceptual building model, which shows gap to roof level. Provide solid wall around perimeter of roof for safety of maintenance staff.

Thank you for reviewing these proposed changes.

Sincerely,

Brent Randall



# City of Burlingame

BURLINGAME CITY HALL  
501 PRIMROSE ROAD  
BURLINGAME, CA 94010

## Meeting Minutes Planning Commission

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Monday, July 13, 2020

7:00 PM

Online

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- b. 128 Lorton Avenue, zoned R-4 Incentive District Subarea - 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. The project is Categorically Exempt from review pursuant to the California Environmental Quality Act (CEQA), per Section 15332 of the CEQA Guidelines (Infill Exemption). (Chris Grant, The Pacific Companies, applicant; WHA Architects, Inc., architect; Thomas Cady, property owner) (202 noticed) Staff Contact: Ruben Hurin

*All Commissioners have visited the project site. Commissioner Terrones had an opportunity to meet with the architect and the developer a while back to get a preview of what they were preparing for this meeting. Commissioner Comaroto had a conversation with the property owner last week. Commissioner Tse had a brief phone conversation with the property owners.*

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

*There were no questions of staff:*

*Chair Tse opened the public hearing.*

*Chris Grant and Peter Gabrich, represented the applicant with the property owner Stephanie Giddrid.*

*Commission Questions/Comments:*

> *You're not proposing to install blue glass, this is just a conceptual rendering of glass, right? (Gabrich: Correct.)*

> *There are several brown colors shown, suspect they're not all the same thing. The front entry has reclaimed wood. The louvers to the parking garage are almost undoubtedly steel and painting it dark brown is to simulate wood, is that right? (Gabrich: Not necessarily of wood, but trying to tie the color to the other brown portions of the building. It would be steel for longevity and durability for sure.)*

> *In the other areas of the building, plaster is never called out. We're left to assume because the white is called out as cement plaster. Could not find a note that pointed to the brown spandrel or the top floor of the front, is that cement plaster? (Gabrich: It is. It's going to be the 2030 sand.) So all of those things are the same colors? (Grant: They are. We've got a couple of different color spans, but for some of the trim bands it's a little bit darker. But the accent stucco colors, the intent is for them to be the same so they tie together.)*

> *Are the window systems operable? (Gabrich: They are going to be operable but not all of them. I haven't quite designated which ones were operable and which ones are not.)*

> *On your prior rendition of the northwest side elevation, it showed you had greenery. Are you planning on doing anything with that lower horizontal wall there? (Gabrich: Currently what we're showing is what we're proposing. Looking at the previous iterations, they were kind of like a green wall. We're challenged on that side because of our adjacency to the neighboring property and the property line. So, if we do add something, it would have to be pretty narrow. Currently we don't have anything shown.)*

> *On this same elevation, if you were on the balcony at the second floor, are you looking at the inside face of this gray screening wall? (Gabrich: It's a low wall. Essentially it acts as a guardrail. When you walk*

out onto that balcony area it would be about 42 inches above that deck floor. It's to prevent people from falling off, but it's not full height.) Does it carry all the way across the second floor in the other two sets of windows in its elevation? (Gabrich: Yes.)

> How would you envision one would utilize the open space at the rear of the property? (Gabrich: That would be accessed through the back stairs. We have a door leading directly from that stairway to the open space there. So that open space we're utilizing is for open space for the residents. It provides exterior open space, and we're also using it for drainage and filtering onsite runoff. And we have permeable pavers called out by the landscape architect and we have an informal seating area. We also have some bike racks, which were a concern of the commission in previous meetings, so that is one of our proposed locations for bicycle racks.)

> On your right elevation, the garage ventilation protrudes out from the face of the building. The side setback is five feet, correct? (Gabrich: Correct.) It looked like these ventilation segments protrude out about 12 inches or so, how much are they protruding out? (Gabrich: The way we're envisioning this is trim. It would probably stick out about four to six inches. The renderings make it look a bit more dramatic than they really are. We wanted to do something rather than just holes and louvers. We wanted to tie those to some of the elements we have on the upper floors. We don't want to get too far down because as you mentioned, we have five feet, so I'm looking at realistically four to six inches to give it a little bit of a shadow and a little bit of interest.) In plan, it looks like it protrudes 12 inches or so as well. Wondering if there's necessity for it to protrude since that side alley is fairly narrow as it is.

> The tree that's right in front of the paseo on the front elevation, is that an existing tree to remain? (Gabrich: Yes, and the landscape architect Tom Phelps has identified that it's an existing tree to remain.) Wondering about pedestrian travel in and around that area. Appreciate the tree preservation, but wondering what it's doing to pedestrian travel as well as the visibility of the paseo. (Gabrich: We're just trying to preserve as many things as possible.)

> Gardiner: I received a message from the project planner letting me know that the City Arborist is requiring that the street tree is replaced with two new street trees, so this particular issue may go a different direction just because of the replacement of that tree with two new ones.

> You previously had signage located on the front of the building on the face and don't see signage location under your current proposed elevation. Would it be in a similar location or somewhere else? (Grant: We were asked to remove it from the drawings. We can either put it at the front base of the stair column on the building, or over the front entry on one member there, or the mid-level by the building facade between the first and second levels of the porches. Certainly something to be studied.)

> Looking at that elevation or this rendering, have you thought about where rideshare pickup may take place at this building? There's a row of hedges in your landscape plan that's right along the street, right on the sidewalk which would prevent someone from being able to come out and hop into a car. Have you thought about how that might occur? (Grant: One of the things we looked at when we did the revisions on the front entry to the building is the open space through there. The idea is you would be in your building, it literally is showing the location of the vehicle and as it approaches, you'll walk out and there's a vehicle at the curb. More than likely not, you're inside the building or at that front entry area. Rather than entering a vehicle at the landscape portion, you would be entering at the drive.)

> If we can go back to the northwest elevation looking at that gray swath along the bottom, is that cement plaster? (Gabrich: That's correct.) Would there be some control joints or something in that facade or is it some other technique? (Gabrich: We would definitely do control joints because we want to control the plaster and cracking. If we do a large swath of plaster like that without control joint, it would most likely crack, so we could break that up with control joints.

> What is meant by the keynote number six on that same elevation calls for plastered trim with 2030 sand finish. What's that trim along that guardrail? (Gabrich: We would most likely frame it, but it was a stucco trim to allow us to do a little bit of change of color and get a little shadow line. We have a couple of different pieces of trim and cornice. The trim there would be the same as the field. We do have a couple of areas where we identified smooth plaster. So it would be smooth grout. That's the intent there.)

> Just to understand the design intent, you've got the two bookends at each end of this facade, the stairwells. One on the far right where you can get a window in, and that comes all the way to the ground and the far left, that comes all the way to the ground. But then the area that's the trash enclosure and the elevator which is the large white rectangle, that doesn't come all the way down. You're interrupting that with

*this gray wall or the guardrail wall. Is that intentional? (Gabric: Yes.)*

*There were no public comments.*

*Chair Tse closed the public hearing.*

*Commission Discussion/Direction:*

- > Agree with the developer that the project has come a long way. The architecture has greatly improved from what we saw previously. It's a more sophisticated design. As he said, it has a certain calm to it.*
- > Being that this is the R-4 incentive district, we're being asked to consider the density bonuses as well as the development standard waivers. And all the while, there's a lot being asked. Looking at the site and the potential for development, in terms of the location for something of this intensity and density, there's not much better of a place. On one side it's up against a large new parking structure that's under construction. On the backside, it's up against surface parking. On the other side, it's surrounded by apartment buildings, granted they are a little bit smaller in scale, but can see this area evolving over time. This is a good location for a project like this.*
- > Without getting into fully applying some architecture and design to all of what's possible, personally accepting of the arguments made by the developer in terms of the application and the request for the waiver of the development standards. Can make those findings and allow for a project of this intensity to move forward. It's a good project.*
- > Like where the project has gone from the early stages. One concern is that horizontal wall, it's a big concrete wall. The architects could look at doing something at that side.*
- > Like the architecture of the project and this is a good location for it. It has a parking garage on one side and a parking lot on a second side. When we looked at this the last time, there was some concern about the number of waivers and concessions that we're asking for and the applicants made a good case there. Basically if they weren't to get the waivers, they would lose one unit per floor which is about four units. So in effect, we're getting two below market rate units for two additional market rate units, and when you look at it in that context, that's something that's supportable.*
- > Have some concerns about the architecture and it might be in part because of the cartoon nature in the presentation, the drawings themselves. Having a little bit of trouble getting past the blue windows and the brown stucco. It could be a nice project, but depending on how this is rendered into architecture, it could end up being a cheap looking project and that is worrisome. For example the stone veneer, if it looks like glued on stone veneer, that's going to look really cheap. Not being able to tell what exactly is going on there and worry about the tendency of colorized projects. A lot depends on how this thing goes from a cartoon to a building.*
- > We need the housing. It's a great spot for a development like this. Hoping that it will turn into a really good building. It's really hard to not be in the same room and not see a mock-up of the stone and the stucco and understand exactly how this gets translated into building from drawing.*
- > One question brought up was the windows. Don't know if we can ask the developer to come back as an FYI just to understand which windows will be operable and which will not be operable and how they play out.*
- > The windows in the rendering look somewhat commercial rather than residential and it might be a rendering technique. Being able to see a little bit more of what that submittal is going to look like and how they're going to operate so they have a good residential feel for the people is a good thing.*
- > A couple of areas that need clarifications are some of the larger wall spans. The one on the left side facing a garage, there's a walkway between this garage and building, and people will be there. Would like a better understanding how those control joints are going to work because there's also the large white wall that's coming down to it that doesn't have any detail in it at this point. It's probably going to need control joints as well that's going to show up and are a pattern. There's a bit more texture on this side that hasn't been put in or incorporated to where some of the other sides may have been a little bit more developed. The materials are going to be a big deal on the success of how these surfaces turn out.*
- > It's the right density and the heights work. The only drawback on some of it is the open space that we are not going to have in proportion to the number of units that are there, but this may be the spot to do*

that anyway.

> The architecture and the design improvements are appreciated and like how it's developed since the last meeting. The location is good, and can agree with the concessions and the waivers being requested for this project.

> Have a few concerns as well about the animated nature of the renderings and being able to see how the finishes will come to play. One of the down sides of meeting online is we aren't able to pass the materials across the dais to take a look at what those finishes may be. If there is some way we could, whether it's an FYI or some other means that we can get an opportunity to view those finishes, that would be appreciated.

> Saddened by the lack of outdoor space for the tenants but do realize that this setting in the downtown area and some of the future developments that are coming soon would help to offset those shortfalls.

> Would like to put a little bit more attention at the paseo, that massive gray wall which once was green, it seems like a nice opportunity for a mural or some type of creative tile installation or material installation. Something to give a little bit better passage for those pedestrians going through that area.

**Commissioner Terrones made a motion, seconded by Commissioner Comaroto, to approve the application with the following condition:**

**> 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.**

**The motion carried by the following vote:**

**Aye:** 6 - Sargent, Comaroto, Terrones, Tse, Loftis, and Schmid

**Absent:** 1 - Gaul



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 acre<sup>1</sup>. 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

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<sup>1</sup> 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 law<sup>2</sup>. 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

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<sup>2</sup> 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 4<sup>th</sup> and 5<sup>th</sup> 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**

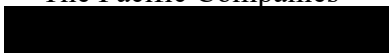
Additionally, I am sure that the City appreciates that as a moderate-income housing development, this project also falls within the protected class under the Housing Accountability Act (HAA) [Govt. Code §65589.5]. In keeping with the legislative intent of the HAA, a local government may not reject or 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



**RESOLUTION APPROVING CATEGORICAL EXEMPTION  
AND AMENDMENT TO DESIGN REVIEW AND DENSITY BONUS WAIVERS/MODIFICATIONS**

RESOLVED, by the Planning Commission of the City of Burlingame that:

WHEREAS, a Categorical Exemption has been prepared and application has been made for Amendment to Design Review and Density Bonus Waivers/Modifications for changes to a previously approved 19-unit residential condominium at 128 Lorton Avenue, zoned R-4 (R-4 Incentive District Subarea), Lorton Management Corp., property owner, APN: 029-231-210;

WHEREAS, said matters were heard by the Planning Commission of the City of Burlingame on September 14, 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:

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 the amendment to increase the height of the building falls within the scope of the previously approved categorical exemption, per CEQA Section 15332, In-Fill Development Projects.
2. Said Amendment to Design Review and Density Bonus Waivers/Modifications are approved subject to the conditions set forth in Exhibit "A" attached hereto. Findings for such Amendment to Design Review and Density Bonus Waivers/Modifications are set forth in the staff report, minutes, and recording of said meeting.
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 14th day of September, 2020 by the following vote:

\_\_\_\_\_  
Secretary

## EXHIBIT "A"

Conditions of Approval for Amendment to Design Review and Density Bonus Waivers/Modifications  
**128 Lorton Avenue**  
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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);

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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;



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Conditions of Approval for Amendment to Design Review and Density Bonus Waivers/Modifications  
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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.

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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;

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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;

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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.

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- 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;

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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;

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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

## **EXHIBIT "A"**

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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  
COMMUNITY DEVELOPMENT DEPARTMENT  
501 PRIMROSE ROAD  
BURLINGAME, CA 94010  
PH: (650) 558-7250  
[www.burlingame.org](http://www.burlingame.org)

**Project Site: 128 Lorton Avenue, zoned R-4**

The City of Burlingame Planning Commission announces the following virtual public hearing via Zoom on **Monday, September 14, 2020 at 7:00 P.M.** You may access the meeting online at [www.zoom.us/join](http://www.zoom.us/join) or by phone at (669) 900-6833:

Meeting ID: 891 0251 6360      Passcode: 071683

**Description:** Application for Amendment to Design Review and Waivers/Modifications for changes to a previously approved 19-unit residential condominium building.

Members of the public may provide written comments by email to: [publiccomment@burlingame.org](mailto:publiccomment@burlingame.org).

Mailed: September 4, 2020

*(Please refer to other side)*

**PUBLIC HEARING  
NOTICE**

**City of Burlingame - Public Hearing Notice**

If you have any questions about this application or would like to schedule an appointment to view a hard copy of the application and plans, please send an email to [planningdept@burlingame.org](mailto:planningdept@burlingame.org) or call (650) 558-7250.

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, should contact the Planning Division at [planningdept@burlingame.org](mailto:planningdept@burlingame.org) or (650) 558-7250 by 10 am on the day of the meeting.

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 this notice.

Kevin Gardiner, AICP  
Community Development Director

*(Please refer to other side)*



128 Lorton Avenue  
300' noticing  
APN #: 029.231.210

