

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLINGAME APPROVING APPLICATIONS FOR DESIGN REVIEW, CONDITIONAL USE PERMIT, CONDOMINIUM PERMIT AND LOT COMBINATION FOR A NEW THREE-STORY, 14-UNIT MIXED USE COMMERCIAL/RESIDENTIAL DEVELOPMENT AT 1214-1220 DONNELLY AVENUE (ASSESSOR PARCEL NOS: 029-151-150, 029-151-160 AND 029-151-170)

THE CITY COUNCIL OF THE CITY OF BURLINGAME hereby finds as follows:

WHEREAS, on May 16, 2016, John Britton filed an application with the City of Burlingame Community Development Department – Planning Division requesting approval of the following requests:

- Amendment to the Downtown Specific Plan (Donnelly Avenue Area) and Donnelly Avenue Commercial (DAC) District to allow residential use above the first floor on properties located north of Donnelly Avenue that have sole frontage on Donnelly Avenue;
- Design Review for construction of a new three-story, mixed use commercial/residential building with at-grade parking (C.S. 25.36.045, 25.57.010 (c)(1) and Chapter 5 of the Downtown Specific Plan);
- Conditional Use Permit for building height (43'-10" to top of parapet and 54'-3" to top of stairway enclosure proposed, where a Conditional Use Permit is required for any building exceed 35'-0"; 55'-0" maximum building height allowed) (C.S. 25.36.055);
- Condominium Permit for 14 residential condominium units (each unit to be privately owned) (C.S. 26.30.020); and
- Lot Merger to combine three existing lots (1214, 1218 and 1220 Donnelly Avenue) into one lot; and

WHEREAS, on October 9, 2018, the Planning Commission conducted a duly noticed public hearing (environmental scoping session and design review study meeting) to review a 14-unit mixed use commercial/residential development and to identify subjects to be analyzed in the project Initial Study/Mitigated Negative Declaration (IS/MND). At that time direction was provided to the applicant regarding issues to be addressed in the project IS/MND; and

WHEREAS, on October 28, 2019, the Planning Commission conducted a duly noticed public hearing (design review study meeting) to review changes made to the project in response to the Planning Commission's direction and comments previously provided to the applicant; and

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WHEREAS, an IS/MND was prepared to analyze project impacts; said IS/MND was circulated for public review and comment commencing on May 15, 2020 and concluding on June 15, 2020; and

WHEREAS, on August 10, 2020, the Planning Commission conducted a duly noticed public hearing and voted 6-0-0-1 to recommend approval of the applicant's requests for Design Review, Conditional Use Permit, Condominium Permit, and Lot Combination; and

WHEREAS, on September 21, 2020, the City Council conducted a duly noticed public hearing to consider all project entitlements, at which time it reviewed and considered the staff report and all other written materials and oral testimony presented at said hearing; and

WHEREAS, as a result of the oral and written testimony presented at the September 21, 2020 public hearing, as well as the analysis in the staff report, the City Council hereby makes the following findings relative to each aspect of the project application:

Design Review Findings:

- That the project is consistent with the diverse architectural styles of existing residential and commercial buildings in the area characterized by simple massing, an articulated façade with windows, entry doors and awnings on the ground floor, and articulated walls and fenestration on the upper floors, including covered balconies, substantial recesses and varied architectural features throughout the building; the project mediates between existing buildings in the area ranging from one to three stories in height and a six-story office building at the corner of Donnelly Avenue and Primrose Road, is well articulated, and embraces the street and the pedestrian realm;
- That the architectural style is compatible with adjacent neighborhoods and the City as a whole, and that human scale is provided at the street level by incorporating several entry elements and canvas awnings along 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 18 feet in width, or 12.2% of the frontage along Primrose Road;
- 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 commercial neighborhood and the residential neighborhood to the north with well-articulated massing and a variety of architectural elements, textures and colors;

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- That the building is compatible with the mass, bulk, scale, and existing materials of existing development in that the exterior building materials include cement plaster siding (smooth steel troweled finish), Hardie “Reveal” panel system and trim (along blind wall on east elevation), smooth lap siding and exposed concrete or concrete block at the blind walls, decorative metal guardrails, decorative foam relief panels, and metal clad wood windows with simulated true divided lites on the upper floor residential units; aluminum window sashes, painted wood entry doors, canvas awnings and a painted metal garage door on the ground floor; and varying architectural elements, including Spanish barrel clay roof tiles with foam eave brackets/corbels, a wood trellis along the front façade, and articulated parapets with ornamental metal trim along the upper portion of the building; and
- That site features such as low stucco walls and entry gates, a variety of landscaping and hardscape along the front of the building, and pedestrian circulation will enrich the existing opportunities of the commercial neighborhood.

Conditional Use Permit Findings

- That the proposed three-story building, measuring 43'-10" to the top of the building parapet and 54'-3" to the top of the stairway enclosure, at the proposed location, will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare or convenience, since it is well articulated with substantial recesses and will be compatible with buildings in the area that are one to six stories in height;
- That the proposed mixed use commercial/residential use will be located and conducted in a manner in accord with the Burlingame general plan and the purposes of this title; and
- That reasonable conditions are proposed to assure operation of the use in a manner compatible with the aesthetics, mass, bulk and character of existing and potential uses on adjoining properties in the general vicinity.

Condominium Permit Findings:

- That the 14-unit mixed use commercial/residential development is compatible with the surrounding development by exhibiting thoughtful massing, character and pedestrian scale, and successfully creates a good transition between the existing commercial buildings in the neighborhood and the residential neighborhood to the north, and will not have a significant impact on public health, safety and general welfare;
- That based on the environmental analysis, it was determined that the proposed project would have no adverse environmental impacts (with mitigations for utilities) on schools, parks, utilities, neighborhoods, streets, traffic, parking and other community facilities and resources; and

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- That this application includes a request for Amendment to the Downtown Specific Plan (Donnelly Avenue Area) to allow residential use above the first floor.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BURLINGAME THAT the applications for Design Review, Conditional Use Permit, Condominium Permit and Lot Combination are hereby granted, subject to the following conditions:

1. that the project shall be built as shown on the plans submitted to the Planning Division date stamped July 9, 2020, sheets A0.0 through A4.3, C-1 through C-3 and L1.1 through L2.2;
2. that prior to issuance of a building permit for construction of the project, the project construction plans shall be modified to include a cover sheet listing all conditions of approval adopted by the Planning Commission, or City Council on appeal; which shall remain a part of all sets of approved plans throughout the construction process. Compliance with all conditions of approval is required; the conditions of approval shall not be modified or changed without the approval of the Planning Commission, or City Council on appeal;
3. that prior to issuance of a building permit, the applicant shall apply for a tentative and final condominium map with the Public Works, Engineering Division for processing in conformance with the Subdivision Map Act;
4. that 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);
5. that the final inspection shall be completed and a certificate of occupancy issued before the close of escrow on the sale of each unit;
6. 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;
7. that a Klaus TrendVario 4200 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.

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- 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.
8. 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;
9. that all construction shall abide by the construction hours established in the Municipal Code;
10. 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

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parking. This coordinator would determine the cause of the complaint and, where necessary, would implement reasonable measures to correct the problem.

11. 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;
12. 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.
13. 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;
14. 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;
15. that storage of construction materials and equipment on the street or in the public right-of-way shall be prohibited;

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16. 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;
17. 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;
18. 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;
19. 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;
20. 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;
21. that the applicant shall coordinate with the City of Burlingame Parks Division regarding the planting of five (5) street trees along Donnelly Avenue;
22. 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;
23. 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;
24. that the applicant shall comply with Ordinance 1503, the City of Burlingame Storm Water Management and Discharge Control Ordinance;
25. that the project shall meet all the requirements of the California Building and Uniform Fire Codes, as amended by the City of Burlingame;
26. that this project shall comply with Ordinance No. 1477, Exterior Illumination Ordinance;

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

27. that prior to scheduling the foundation inspection a licensed surveyor shall locate the property corners, set the building envelope;
28. 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;
29. 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;
30. 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;
31. that the maximum elevation to the top roof parapet shall not exceed elevation 143.90', as measured from the average elevation at the top of the curb along Donnelly Avenue (100.34') for a maximum height not to exceed 43'-10" to the top of the parapet; the garage finished floor elevation shall be elevation 100.34'; 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:

32. the project sponsor shall implement all appropriate control measures from the most currently adopted air quality plan at the time of project construction;
33. 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.
34. 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;

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35. 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);
36. 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;
37. 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;
38. 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;
39. 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;
40. 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;
41. 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.

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- 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.
42. 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;
43. 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.
44. 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.
45. 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.

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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;

46. 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
47. 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.

Mitigation Measures from Initial Study

Aesthetics

48. *The project developer shall install low-profile, low-intensity lighting directed downward to minimize light and glare. Exterior lighting shall be low mounted, downward casting, and shielded. In general, the light footprint shall not extend beyond the periphery the property. Implementation of exterior lighting fixtures on all buildings shall also comply with the standard California Building Code (Title 24, Building Energy Efficiency Standards) to reduce the lateral spreading of light to surrounding uses, consistent with City Municipal Code 18.16.030 that requires that all new exterior lighting for residential developments be*

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designed and located so that the cone of light and/or glare from the light element is kept entirely on the property or below the top of any fence, edge or wall. In addition, lighting fixtures would not be located more than nine feet above adjacent grade or required landing; walls or portions of walls would not be floodlit; and only shielded light fixtures which focus light downward would be used, except for illuminated street numbers required by the fire department.

Air Quality

49. *During any construction period ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less-than-significant level. Additional measures are identified to reduce construction equipment exhaust emissions. The contractor shall implement the following BMPs that are required of all projects:*
- 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.*
 - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.*
 - 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 power sweeping is prohibited.*
 - d. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).*
 - e. All roadways, driveways, and 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 equipment off 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 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.*

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50. *The project shall develop a plan demonstrating that the off-road equipment used on site to construct the project would achieve a fleet-wide average 20- percent reduction in DPM exhaust emissions or greater. One feasible plan to achieve this reduction would include the following:*
- a. *All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 3 engines that include CARB-certified Level 3 Diesel Particulate Filters (DPF)12 or equivalent. Alternatively, equipment that meets U.S. EPA Tier 4 standards for particulate matter or the use of equipment that includes electric or alternatively-fueled equipment (i.e., non- diesel) would meet this requirement.*

Biological Resources

51. *Activities related to the project, including, but not limited to, vegetation removal, ground disturbance, and construction and demolition shall occur outside of the bird breeding season (February 1 through August 31) if feasible. If construction will commence during the breeding season, then a pre-construction nesting bird survey shall be conducted no more than 7 days prior to initiation of ground disturbance and vegetation removal. The nesting bird pre-construction survey shall be conducted within the disturbance footprint and a 300-foot buffer for raptors and 150-foot buffer for passerines where access can be authorized. The survey shall be conducted by a biologist familiar with the identification of avian species known to occur in San Mateo County.*

If nests are found, an avoidance buffer (which is dependent upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site) shall be determined and demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. No ground disturbing activities shall occur within this buffer until the avian biologist has confirmed that breeding/nesting is completed, and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist.

Cultural Resources

52. *In the event Native American or other archaeological resources are encountered during construction, work shall be halted within 100 feet of the discovered materials and workers shall avoid altering the materials and their context until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations.*

If an archaeological site is encountered in any stage of development, a qualified archeologist will be consulted to determine whether the resource qualifies as an historical resource or a unique archaeological resource. In the event that it does qualify, the archaeologist will prepare a research design and archaeological data recovery plan to be

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implemented prior to or during site construction. The archaeologist shall also prepare a written report of the finding, file it with the appropriate agency, and arrange for curation of recovered materials.

53. *In the event that human remains are discovered during project construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains. The county coroner shall be informed to evaluate the nature of the remains. If the remains are determined to be of Native American origin, the Lead Agency shall work with the Native American Heritage Commission and the applicant to develop an agreement for treating or disposing of the human remains.*

Geology and Soils

54. *Project design and construction shall adhere to Title 18, Chapter 18.28 of the City Municipal Code, and demonstrate compliance with all design standards applicable to the California Building Code Zone 4 would ensure maximum practicable protection available to users of the buildings and associated infrastructure.*
55. *Foundations of the project will be reinforced to tolerate differential soil movement. The project may be supported on a reinforced concrete mat foundation bearing on a properly prepared and compacted soil subgrade and a non-expansive fill section. Alternately, the project may be supported on a conventional spread footing foundation bearing on stiff native soils. Implementation of a reinforced foundation would reduce the potential for damage caused by liquefaction.*
56. *Project design and construction, including excavation activities, shall comply with Chapter 33 of the CBC, which specifies the safety requirement to be fulfilled for site work. This would include prevention of subsidence and pavement or foundations caused by dewatering.*
57. *The applicant shall prepare a monitoring program to determine the effects of construction on nearby improvements, including the monitoring of cracking and vertical movement of adjacent structures, and nearby streets, sidewalks, utilities, and other improvements. As necessary, inclinometers or other instrumentation shall be installed as part of the shoring system to closely monitor lateral movement. The program shall include a pre-construction survey including photographs and installation of monitoring points for existing site improvements.*
58. *A discovery of a paleontological specimen during any phase of the project shall result in a work stoppage in the vicinity of the find until it can be evaluated by a professional paleontologist. Should loss or damage be detected, additional protective measures or further action (e.g., resource removal), as determined by a professional paleontologist, shall be implemented to mitigate the impact.*

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Hazards and Hazardous Materials

59. *The contractor shall comply with Title 8, California Code of Regulations/Occupational Safety and Health Administration requirements that cover construction work where an employee may be exposed to lead. This includes the proper removal and disposal of peeling paint, and appropriate sampling of painted building surfaces for lead prior to disturbance of the paint and disposal of the paint or painted materials.*
60. *The applicant shall contract a Certified Asbestos Consultant to conduct an asbestos survey prior to disturbing potential asbestos containing building materials and following the Consultant's recommendations for proper handling and disposal.*
61. *Workers handling demolition and renovation activities at the project site will be trained in the safe handling and disposal of any containments with which they are handling or disposing of on the project site.*

Noise

62. *Prior to the issuance of building permits, mechanical equipment shall be selected and designed to reduce impacts on surrounding uses to meet the City's 60 dBA daytime and 50 dBA nighttime requirements at the property lines of surrounding noise sensitive uses. Section 5.2.5.8 of the City of Burlingame DSP includes a provision for rooftop equipment:*

Mixed-use buildings with a residential component should exhibit rooflines and architectural character consistent with the Downtown commercial character. Rooftop equipment shall be concealed from view and/or integrated within the architecture of the building and screened for noise.

A qualified acoustical consultant shall be retained to review mechanical noise as these systems are selected to determine specific noise reduction measures necessary to reduce noise to comply with the City's noise level requirements. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and/or installation of noise barriers, such as enclosures and parapet walls, to block the line-of-sight between the noise source and the nearest receptors.

63. *As required under Section 9.9.20 of the City of Burlingame DSP, loaded truck and other vibration-generating equipment shall avoid areas of the project site that are located near existing residential uses to the maximum extent possible to still meet construction goals. Additionally, the following measures would be implemented during construction:*
 - a. *Operating equipment on the construction site shall be placed as far as possible from vibration-sensitive receptors.*
 - b. *Smaller equipment shall be used to the extent feasible to minimize vibration levels below the limits.*

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- c. Use of vibratory rollers, tampers, and impact tools near sensitive areas shall be avoided to the extent feasible.*
- d. Neighbors within 500 feet of the construction site shall be notified of the construction schedule and that there could be noticeable vibration levels during project construction activities.*
- e. If heavy construction is proposed within 12 feet of commercial structures and/or 18 feet of residential structures, a construction vibration-monitoring plan shall be implemented prior to, during, and after vibration generating construction activities located within these setbacks. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry accepted standard methods. The construction vibration monitoring plan should be implemented to include the following tasks:*
 - f. The contractor shall conduct a photo survey, elevation survey, and crack monitoring survey for structures located within 25 feet of construction. Surveys shall be performed prior to and after completion of vibration generating construction activities located within 25 feet of the structure. The surveys shall include internal and external crack monitoring in the structure, settlement, and distress, and shall document the condition of the foundation, walls and other structural elements in the interior and exterior of the structure.*
 - g. The contractor shall conduct a post-survey on the structure where either monitoring has indicated high levels or complaints of damage. Make appropriate repairs in accordance with the Secretary of the Interior's Standards where damage has occurred as a result of construction activities.*
 - h. The contractor shall designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.*
 - i. The results of any vibration monitoring shall be summarized and submitted in a report shortly after substantial completion of each phase identified in the project schedule. The report will include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations. An explanation of all events that exceeded vibration limits will be included together with proper documentation supporting any such claims.*

Utilities and Service Systems

- 64. The project sponsor shall coordinate with the City Engineer to improve the public sanitary sewer infrastructure. Prior to issuance of a building permit, project sponsors shall develop a plan to facilitate sanitary sewer improvements. The plan shall include a schedule for*

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implementing sanitary sewer upgrades that would occur within the development site and/or contribution of a fair share fee toward those improvements, as determined by the City Engineer. The plan shall be reviewed by the City Engineer.

65. *Prior to issuance of a building permit, development plans for projects proposed in the Plan Area, 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, 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.*

Emily Beach, Mayor

I, Meaghan Hassel-Shearer, City Clerk of the City of Burlingame, do hereby certify that the foregoing resolution was adopted at a regular meeting of the City Council held on the 5th day of October, 2020 by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

Meaghan Hassel-Shearer, City Clerk