

City of Burlingame

New 6-Story, 90-Unit Residential Condominium Building

Address: 1814-1820 Ogden Drive

Meeting Date: September 27, 2021

Request: Application for Environmental Review, Lot Merger, Design Review, Conditional Use Permit for Tandem Parking and Use of Mechanical Parking Stackers, Approval of Community Benefits Bonuses, Condominium Permit and Tentative Condominium Map for a New 6-Story, 90-Unit Residential Condominium Building.

Applicant and Architect: Levy Design Partners

APN: 025-121-110 & 025-110-120

Property Owner: DPT 1820 Ogden Drive LLC and 1814 Ogden LLC & Patel Family Trust

General Plan: North Burlingame Mixed Use

Zoning: NBMU (North Burlingame Mixed-Use)

Lot Area: 0.76 acres (33,336 SF)

Adjacent Development: Residential Condominiums, Senior Assisted Living Facility, and Apartments

Current Use: Office

Proposed Use: Residential Condominium Building (Multi-Family Residential)

Allowable Use: Multi-Family Residential

Environmental Review: California Environmental Quality Act (CEQA) Guidelines, Section 15183. Please refer to page seven (7) in the staff report.

Project Summary: The project site is composed of two separate parcels on the east side of Ogden Drive between Garden Drive and Trousdale Drive, toward the south end of the block closest to Trousdale Drive. The site at 1814 Ogden Drive currently contains a one-story office building and 1820 Ogden Drive contains a three-story office building, with parking on the ground floor and two floors of office uses above, consisting primarily of medical offices. The combined site would total 33,336 SF. Immediately north (left) of the project site is a four-story, 45-unit residential condominium building that was constructed in 2012. On the south (right) side is the four-story, Sunrise Senior Living Facility. Across the street (west) of the project site, are two to four-story apartment buildings. The Millbrae Caltrain station is located 0.45 miles east, across El Camino and the BART station (Millbrae multimodal station) is located just beyond the Caltrain station, just over a half a mile (0.60 miles) from the project site.

The applicant is proposing to demolish the existing buildings, merge the two parcels into one parcel and construct a new 6-story, 90-unit residential condominium building. The project would include 20 studio units (22% of total units), 15 one-bedroom units (17%), and 55 two-bedroom units (61%) totaling 82,748 net square feet (124,624 gross square feet including the parking levels & lobby). Five units (5% of total units) would be below market rate (BMR) for low income households that do not exceed 80% of the average median income (AMI). The studio units would range in size from 377 to 442 square feet, the one-bedroom units would range from 674 to 744 square feet, and the two-bedroom units would range from 1,348 square feet to 1,488 square feet.

The overall height would be approximately 72 feet to the top of the parapet (75 feet maximum allowed) and 76 feet to the top of the elevator/stair penthouses. The project would provide a total of 145 on-site parking spaces located in two levels of parking, one at grade and one below grade; 44 of the 145 spaces would be provided in a tandem configuration and 66 parking spaces would be provided in puzzle stackers. Code Section 25.40.50 (D) allows the use of parking stackers or mechanical systems with approval of a Conditional Use Permit; tandem parking is proposed and is considered to be a similar alternative to the mechanical parking with approval of a Conditional Use Permit.

The NBMU zoning includes “tiered” development standards requiring community benefits to be included in projects in order to achieve the highest residential densities and building heights. The applicant has elected to develop consistent with “Tier 3” standards, which is the highest tier. Projects using Tier 3 standards shall provide at least three community benefits (see Community Benefits section in staff report for additional information). Planning staff has determined that the proposed project complies with the Tier 3 development standards.

The following applications are requested for this project:

- Environmental Review in accordance with CEQA (15183 checklist);
- Lot Merger;
- Design Review for construction of a new 6-story, 90-unit residential condominium development (C.S. 25.40.020);
- Conditional Use Permit for tandem parking and use of mechanical puzzle stackers (C.S. 25.40.050)(D);
- Approval of Community Benefits Bonuses for a Tier 3 project (C.S. 25.40.030(B)(3));
- Condominium Permit for a 90-unit residential condominium development (C.S. 26.30.020); and
- Tentative Condominium Map.

The following table provides a summary of the project’s compliance with the NBMU Zoning Standards.

1814-1820 Ogden Drive

Lot Area: 33,336 SF (0.76 acres)

Plans date stamped: August 27, 2021

	Proposed	Tier 3 Projects Maximum Allowed/ Minimum Required
<i>Density – Residential Units:</i>	117 du/ac ¹ 90 units	140 du/ac 107 units
<i>Building Height:</i>	6 stories 72’-1” to top of parapet 76’ to top of penthouses	7 stories 75’-0”
<i>Front Setback:</i>	15’-0”	0’ – 10’ (with at least 40 % of structure located at streetscape frontage line per Table 25.40-3)
<i>Side Setback:</i>	10’-0”	10’-0”
<i>Rear Setback:</i>	15’-0”	15’-0”

¹ Tier 3 project requested (C.S. 25.40.030(B)(3))

	Proposed	Tier 3 Projects Maximum Allowed/ Minimum Required
Lot Coverage:	70.7% 23,583 SF	80% 26,669 SF
Open Space and Landscaping:	<p>COMMON</p> <p>3,275 SF – plaza 3,324 SF – rear yard <u>3,250 SF – podium</u> 9,849 SF – total common open space</p> <p>PRIVATE</p> <p>51 units with 50+ SF of private open space = 2,550 SF total private open space</p> <p>39 units with 100+ SF of private open space = 3,900 SF total private open space <u>6,450 SF total private open space</u></p> <p>TOTAL = 16,299 SF COMBINED COMMON/PRIVATE OPEN SPACE</p>	12,000 SF total required (100 SF per unit)
Landscape Coverage:	17% of site 5,669 SF	10% of site 3,333 SF
Public Plaza:	3,275 SF	2,000 SF
Number of Parking Spaces:	<p style="text-align: center;">145 total spaces² (66 puzzle / 44 tandem)</p> <p><u>Basement Level</u> 19 Unistall (includes 5 EV & Clean Air) <u>42 Tandem *</u> 61 spaces</p> <p><u>First Level</u> 66 puzzle stackers* 7 ADA (includes 1 EV) 9 Unistall <u>2 Tandem</u> 84 spaces</p>	<p>20 - Studio units x 1.0 = 20 spaces 15 - 1 bdr units x 1.0 = 15 spaces <u>55 - 2 bdr units x 1.5 = 82.5 spaces</u> Total - 117.5 spaces</p> <p style="text-align: center;">TOTAL 118 SPACES REQUIRED</p> <hr/> <p style="text-align: center;">20% reduction for TDM = 95 SPACES REQUIRED</p>

² Code Section 25.40.050(D) requires approval of a Conditional Use Permit for utilization of stackers/mechanical systems in the NBMU zone; tandem parking is consider an equivalent.

	Proposed	Tier 3 Projects Maximum Allowed/ Minimum Required
<i>Parking Stall Dimensions:</i>	8'-6" x 17'-0"	8'-6" x 17'-0"
<i>Aisle Dimensions:</i>	20'- 24'	24'-0" for 90-degree parking
<i>Driveway Width:</i>	21'-0" off of Ogden Drive 20'-0" entrance ramp	Parking areas with more than 30 vehicle spaces shall have two 12'-0" wide driveways or one 18'-0" wide driveway
<i>Bicycle Parking:</i>	50 spaces in garage (20 –basement level) (30-ground level) 6 guest – in plaza	45 resident (0.5 spaces/unit) 5 guest (0.05 spaces/unit)
<i>Electric Vehicle Charging Stalls:</i>	6 spaces (5% of all spaces)	6 spaces (5% of all spaces)

Staff Comments: See attached comments from the Building, Fire, Engineering, Parks and Stormwater Divisions.

Design Review: The materials proposed for the exterior of the building include cement plaster, metal panels, horizontal composite siding, composite board panels (rain screen) and exposed concrete columns. The building would also include aluminum windows, aluminum storefront glazing, aluminum sunshades and architectural projections. Balconies throughout the building would be enclosed with glass railing. Please refer to the rendering and building elevations on sheets A3.0 through A3.2 for additional information.

January 25, 2021 Planning Commission Design Review Study Meeting: This project was first reviewed by the Planning Commission for Environmental Scoping and Design Review Study on January 25, 2021 (see attached January 25, 2021 Planning Commission Minutes). The Planning Commission received three letters from residents and there were no public comments at the scoping/study session.

The Planning Commission provided comments related to the items to be studied as part of the environmental review, however the majority of the discussion centered on the design of the proposed project. On balance the project was very well received and only minor changes were suggested. Staff has provided an overview of the Planning Commission comments below; please refer to attached minutes for detailed information.

- Concerned with impact on privacy and noise to adjacent senior housing;
- Consider front Plaza programming;
- Provide materials board;
- Look at capacity under the Urban Water Management Plans (UWMP) for units/water capacity added;
- Provide information on windows; and
- Consider adding additional landscaping in the plaza (and maybe on south side – buffer with Sunrise).

After consideration of the above comments from the January 25, 2021 study meeting, the applicant revised the plans in response to these comments as reflected on the plans date stamped August 23, 2021 (see also

attached response letter submitted by the applicant, dated September 20, 2021). Changes to the project include:

- The most significant change includes a refinement of the courtyard design with a taller sound wall at the edge of the building to provide additional sound mitigation for the adjacent building (see sheets A3.1 and L3.3).
- There is glass filled in the previous openings of the sound wall facing the senior living facility and landscaping was added to provide additional screening (see sheet A3.1).
- The second stair to the roof was extended to meet fire access/exiting requirements (see sheets A1.1, A0.3, and A2.3).
- Additional tables and benches have been added to the plaza (see sheet L2.2).
- Window details were provided and notes added to indicate that the windows will meet the required STC rating (see window cut sheet attached with applicant response letter). Renderings and materials board.

General Plan and North Burlingame Mixed Use (NBMU) Zoning Standards: In January 2019, the City adopted a new General Plan and certified the Environmental Impact Report (EIR). The new General Plan includes higher densities and mixed-use zoning designations in the north end of Burlingame.

The proposed project is located within the North Burlingame Mixed Use (NBMU) zone. The purpose of the NBMU Zone is to implement the General Plan North Burlingame Mixed Use designation by providing a distinct, defining area at the City's north gateway on El Camino Real, with housing and complementary commercial and office uses at urban-level intensities, and that takes advantage of the adjacent multimodal transit center. This transit-oriented development district accommodates housing at progressively higher densities based on the level of community benefits provided, with the goal of ensuring that new development adds value for all in the City.

Community Benefits: To provide an incentive for development, and in partnership with the City to provide community benefits that would not otherwise be created, the Planning Commission may grant increased FAR, density, and/or height in return for provision of specific community benefits, if doing so is in the City's interest and would help implement the General Plan and further, if these benefits cannot be realized without granting increased FAR, height, and/or density. The NBMU zoning includes "tiered" development standards requiring community benefits to be included in projects in order to achieve the highest residential densities and building heights.

The developer has elected to develop this project consistent with Tier 3 development standards. The Planning Commission approval is required for Tier 3 projects if it is determined that the project includes at least three community benefits; at least one of the community benefits must be an affordable and workforce housing objective. The developer is proposing to provide the following three community benefits (a minimum of three are required):

- Affordable Housing – Section 25.40.030(B)(4)(a)(i) - The project would include 5% (5 units) below-market rate units for affordable low income households (80% of San Mateo County's Area Median Income (AMI)) for 55 years. The 2021 San Mateo County Income Limits for low income is a maximum of \$102,450 for a single-person household, a maximum of \$117,100 for a two-person household, a maximum of \$131,750 for a three-person household, and maximum of \$146,350 for a four-person household (see attached San Mateo County 2021 income limits).
- Public Plaza Beyond Minimum – Section 25.40.030(B)(4)(c) - The project includes an approximately 3,275 square-foot publicly accessible plaza, well in excess of the 2,000 square-foot minimum. The public plaza would include trees, landscaping, seat walls and planters, trash and recycling receptacles, benches, table and chairs, lighting and bike racks. The space would be owned, operated and maintained by the developer or property manager.

- Zero Net Energy - Section 25.40.030(B)(4)(I) – The code provides a community benefit option for the project to provide one hundred (100) percent of the total building energy load, measured as kilowatt per square foot, through solar panels, wind turbines, or other renewable sources. The applicant will be providing a memorandum of their commitment to provide 100% of total building energy load (net zero) through an arrangement of providing power to the entire building via Peninsula Clean Energy's (PCE) ECO 100 program. The ECO 100 program through PCE is an opt-up program option that uses 100% renewable energy.

Landscaping: Proposed landscaping throughout the site is shown on the Landscape Plans (sheets L1.1 through L3.3). The NBMU zoning standards require that for Tier 3 projects that 10% of the site be landscaped. In addition, the NBMU zoning requires that at least 60% of the required front and street side setbacks be landscaped to provide a transitions to the sidewalk. The project proposes 17% site landscaping with 60% landscaping in the front setback and therefore complies with the landscaping requirements. Landscaping is provided throughout the site, including in the public plaza, along the sides within the 10-foot setback, at the rear and on the podium open space.

The proposed project includes a total of 15 new landscape trees. There would be seven (7) new trees, including four (4) 24-inch box Crape Myrtle trees and three (3) 24-inch box Indian Hawthorne trees along Ogden Drive. In addition, the planters in the public plaza along Ogden Drive and on the podium open space would also include trees and shrubs as detailed in the planting list on sheets L3.1, L 3.2 and L3.3.

Off-Street Parking/Transportation Demand Management Plan (TDM): Parking requirements are based on the number of bedrooms proposed per unit for the residential portion of the project. The NBMU interim zoning standards, Code Section 25.40.050, provides reduced residential parking standards given the proximity of this zone to the Millbrae multimodal transit station. In the NBMU District, the minimum parking requirement is 1 space for each studio or one-bedroom unit and 1.5 spaces for each two-bedroom unit; no guest parking is required.

The proposed project includes 20 studio units, 15 one-bedroom units, and 55 two-bedroom units and therefore requires a total of 118 spaces for the proposed condominium development. As noted in the project summary above, the General Plan Update and NBMU zoning provide for a 20% parking reduction for projects that utilize a Transportation Demand Management (TDM) plan per Section 25.40.030(B)(4)(h), provided the project includes a permanent mobility mode shift towards alternative transportation of 25% or greater for building occupants through the TDM program. The applicant has prepared a TDM Plan and intends to implement the TDM program per the Hexagon Transportation Consultants TDM, dated November 9, 2020 (attached as Appendix A in the CEQA 15183 document). The TDM program would include measures such as retaining a transportation coordinator, promotional programs, online transportation kiosk, residential orientation packet, bicycle parking, and EV charging spaces, on-site ride matching assistance, and car and van-pool incentives. Staff would note that by implementing the TDM program, a reduction of 23 spaces is applied reducing the required parking from 118 spaces to 95 spaces. The total on-site parking proposed is 145 spaces, 50 spaces more than required by code (with 20% reduction for TDM plans).

The project would meet the on-site parking requirement with a total of 145 on-site parking spaces provided, 66 of which are provided in tandem configuration. Zoning Code section 25.08.647 defines tandem parking as the parking of one vehicle behind another; except for parking for an accessory dwelling unit where tandem parking is defined as two (2) or more vehicles that are parked on a driveway or in any other location on a lot, lined up behind one another. The application for entitlements includes a request for a Conditional Use Permit for approval of the tandem parking configuration and for the use of mechanical parking stackers that is proposed for this project to meet the on-site parking requirement. Code Section 25.40.050(d) allows the use of parking stackers or mechanical systems with approval of a Conditional Use Permit; tandem parking is proposed and is considered to be a similar alternative to mechanical parking with approval of a Conditional Use Permit.

The site would be accessed by way of a 20-foot wide driveway on the southern edge of the property, along Ogden Drive. The parking would be located in two levels; one level would be at grade within the building and one level would be below grade.

The parking spaces would all be “uninstall” size at 8’-6” wide by 17’-0” deep as permitted by C.S. 25.40.050(b). The at-grade parking located at street level, behind the community room space, trash room, lobby and package room, would provide 84 parking spaces. These would include 16 independently accessible spaces, including a mix of electric vehicle (EV), disabled-accessible, and van accessible spaces. Of the remaining 68 spaces on this level, two (2) would be provided in tandem and 66 would be provided in stackers. The NBMU zoning requires that 5% (6 spaces) of all parking spaces be prepared for EV charging equipment; the proposed project complies with this requirement with 6 EV spaces (5%) included on-site. The lower level of below grade parking (basement) would include 61 spaces consisting of 19 independently accessible spaces and 42 tandem spaces.

The NBMU standards require 0.5 bicycle parking spaces per unit for residents and 0.05 spaces per unit of bicycle parking for guest bicycle, which equates to 45 bicycle parking spaces for residents and 5 bicycle parking spaces for guests. There would be 50 bicycle parking spaces provided for residents, with 20 bicycle parking spaces in the basement level and 30 on the ground floor level within the building. The project also includes 6 guest bicycle parking spaces provided in front of the building in the public plaza.

Development / Impact Fees:

North Burlingame/ Rollins Road Development Fee

Development fees for projects in the North Burlingame/Rollins Road Specific Plan are subject to a fee of \$0.66 per square foot for multifamily projects. The fees are calculated based on the fee schedule in effect at the time the building permit is issued, with half of the fees required at permit issuance and half due prior to the framing inspection. The North Burlingame/Rollins Road Development fee is estimated to be \$54,613.68. However, with the credit applied for the existing office space on the two parcels, the North Burlingame/Rollins Road Development fee is estimated to be \$41,553.63.

Residential Linkage Fees – Not Applicable

The City Council adopted Residential Linkage Fees on April 1, 2019. The proposed project is subject to the fees based on the formula set forth in Code Section 25.82 which sets the fees based on the dwelling units per acre, with different rates for prevailing wage and non-prevailing wage for labor used for the construction of the project. However, because the project would include 5% of the units as low income BMR units, as per Code Section 25.82.070(a), the fee is not required as the units would be provided on-site. The code states that if a project mitigates affordable housing impacts through the construction of affordable units on site with a guarantee of affordability for a period of 55 years, then the impacts of residential development on the need for affordable housing shall be deemed mitigated. The applicant is proposing 5% of the residential units as low income BMR units, therefore the Planning Commission may approve the provision of affordable units on site, consistent with the requirements set forth in subsection (b), as part of the review of the project, which would eliminate the requirement to pay the Residential Linkage Fee since five (5%) low income BMR units would be provided on-site.

Public Facilities Impact Fees

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

Based on the proposed 90-unit condominium development, the required public facilities impact fees for this development project are estimated to be \$398,880.00. This however does not include a credit for the existing office uses located on the two parcels, with a one-story and a three-story office building totaling 15,735 SF,

which would provide a \$47,429.70 credit. The Public Impact Fees, with the credit applied, would be \$351,450.30.

Environmental Review: California Environmental Quality Act (CEQA) Guidelines, Section 15183, allows a streamlined environmental review process for projects that are consistent with the densities established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified. Section 15183(d) is intended to streamline review for development projects that are consistent with a specific plan that were previously analyzed as part of development and review of such plans; this exemption applies under the following conditions:

1. The project is consistent with:
 - a. A community plan adopted as part of the general plan,
 - b. A zoning action which zoned or designated the parcel on which the project would be located to accommodate a particular density of development, or
 - c. A general plan of a local agency, and
2. An EIR was certified by the lead agency for the zoning action, the community plan, or the general plan.

Use of the 15183 streamlined review applies only to the extent that all feasible mitigation measures for a significant effect specified in the EIR are or will be undertaken by the public agency having jurisdiction to implement such mitigation measures (CEQA Guidelines, §15183(e)(1),(2)). As required by CEQA, the City prepared a Final EIR which analyzed the environmental impacts of the City of Burlingame 2040 General Plan Update. On January 7, 2019, the City Council adopted Resolution No. 005-2019 certifying the General Plan (GP) EIR as meeting the requirements of CEQA and Resolution No. 006-2019 adopting the City of Burlingame General Plan Update.

In evaluating whether a project is exempt from further environmental review based on consistency with the City of Burlingame General Plan and the GP EIR, CEQA Guidelines section 15183(b) specifies that examination of environmental effects shall be limited to those effects that:

1. Are peculiar to the project or the parcel on which the project would be located,
2. Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent,
3. Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or
4. Are previously identified significant effects which, as a result of substantial new information that was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

Accordingly, the Section 15183 exemption applies to the proposed project at 1814-1820 Ogden Drive because the proposed project is consistent with the City of Burlingame General Plan, the GP EIR was certified for the City of Burlingame General Plan, and all feasible mitigation measures identified in the GP EIR as being applicable to the proposed project will be implemented, as discussed in the attached Exemption Checklist, to a less-than-significant level. Therefore, because the project meets the criteria of Section 15183, and because it would not have a significant effect on the environment, this analysis finds that a Notice of Exemption may be prepared for the Project and no further environmental review is needed.

Airport Land Use Commission (ALUC) and C/CAG Review: Staff notes that the Airport Land Use Committee (ALUC), which is managed by City/County Association of Governments (C/CAG) in San Mateo County, reviewed and recommended approval of the North Burlingame Mixed Use zoning (along with the Rollins Road Mixed Use zoning) to C/CAG at their September 24, 2020 meeting. The C/CAG Board, in its function as the Airport Land Use Commission, reviewed and approved both zoning code sections for land use

consistency with the Comprehensive Airport Land Use Compatibility Plan (ALUCP) at their October 15, 2020 meeting. The adopted zoning now implements the former interim zoning for these districts with added conditions related to noise regulations and assembly uses to ensure compliance with the Noise Compatibility Polices of the SFO ALUCP. The subject property is located within Comprehensive Airport Land Use Safety Compatibility Zone 3 (see attached map).

Staff has included specific conditions related to housing in the flight path of SFO that are typical conditions placed upon projects by the ALUC and C/CAG. A condition of approval has been included that requires that the applicant submit a Federal Aviation Administration (FAA) approval letter of no hazard for the project to the City prior to budling permit issuance.

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

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

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

- That the proposed project supports the pattern of diverse architectural styles that characterize the City's mixed-use area with the use of a variety of materials to express a modern style that serves as part of the transition area between the southern edge of the City of Millbrae and the City of Burlingame's northern border. The proposed massing and articulation at the front façade includes three vertical elements that each have different materials which provide visual interest and breaks up the overall frontage. The exterior finishes include a mix of differing panel materials including cement plaster in various colors, composite board, metal panels, horizontal composite siding, and exposed concrete columns to provide texture and articulation;
- That the design respects and promotes pedestrian activity by providing a public plaza to enliven Ogden Drive. The plaza is sized relative to the building and provides an opportunity for outside passive recreation, with pervious pavers, wood benches, table and chairs, new street trees, planters, and bike racks;

- That while the subject property is not specifically a visually-prominent gateway site, the building has an urban design that compliments both the new and old architectural fabric in the surrounding area;
- That the building is compatible with the mass, bulk, scale, and materials of existing developments and that the proposed building materials also include finishes that introduce a modern element to compliment some of the new development in the area; that the mass, bulk and scale have been carefully designed to respect the privacy and interface with the adjacent senior housing by window placement, wall at the second floor podium, landscape screening and setbacks; and
- That site features such as fencing, landscaping, and pedestrian circulation to be provided in a public plaza that will enrich the existing opportunities of the neighborhood.

Findings for a Conditional Use Permit: In order to grant a Conditional Use Permit, the Planning Commission must find that the following conditions exist on the property (Code Section 25.52.020, a-c):

- (a) The proposed use, 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;
- (b) The proposed use will be located and conducted in a manner in accord with the Burlingame general plan and the purposes of this title;
- (c) The planning commission may impose such reasonable conditions or restrictions as it deems necessary to secure the purposes of this title and 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.

Suggested Findings for Conditional Use Permit for Tandem Parking: That the proposed project 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, in that the 90 new residential condominiums proposed are consistent with the intent and allowable uses in the NBMU District; that the proposed residential use will be located and conducted in a manner in accord with the Burlingame General Plan and the purposes of this title, in that it provides a needed housing opportunity on a site that has been determined to be suitable for such use in the Zoning Code and Burlingame General Plan, that the site is close to transit options and centrally located to shops and services that will not require typical vehicular travel or will result in reduced vehicle travel; that the project includes a TDM plan to reduce trips; and that while 75% (110) of the 145 parking spaces will be in the form of tandem parking and mechanical parking stackers, that the on-site parking spaces exceed the code required amount (with the 20% TDM reduction) by 50 spaces. For the reasons, the project may be found to be compatible with the requirements of the City's three Conditional Use Permit criteria for the utilization of a tandem parking configuration.

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

- (a) Sound community planning; the economic, ecological, social and aesthetic qualities of the community; and on public health, safety and general welfare;
- (b) The overall impact on schools, parks, utilities, neighborhoods, streets, traffic, parking and other community facilities and resources; and
- (c) Conformity with the general plan and density permitted by zoning regulations.

Suggested Findings for Condominium Permit:

- *Sound community planning; the economic, ecological, social and aesthetic qualities of the community; and on public health, safety and general welfare* in that the 90-unit residential condominium project is scaled to be compatible with existing multifamily buildings along Ogden Drive and features ample landscaping with usable common open space in addition to a public plaza at the street level;
- *The overall impact on schools, parks, utilities, neighborhoods, streets, traffic, parking and other community facilities and resources* in that with the mitigations designed into the project in the CEQA 15183 document have found there will be no significant impacts; and
- *Conformity with the general plan and density permitted by zoning regulations*, in that the project provides 90 additional residential units (for home ownership) consistent with the applicable general plan and zoning designations.

Planning Commission Action: The Planning Commission should conduct a public hearing on the application and consider public testimony and the analysis contained within the staff report. Affirmative action should be taken separately by resolution and include findings supporting the Planning Commission's decision. The reasons for any action should be stated clearly for the record.

- Lot Merger and Tentative Condominium Map (recommendation to City Council);
- Design Review for construction of a new 6-story, 90-unit residential condominium development (C.S. 25.40.020);
- Conditional Use Permit for tandem parking and use of mechanical puzzle stackers (C.S. 25.40.050)(D);
- Approval of Community Benefits Bonuses for a Tier 3 project (C.S. 25.40.030(B)(3); and
- Condominium Permit for 90-unit residential condominium development (C.S. 26.30.020).

At the public hearing the following mitigation measures and conditions should be considered:

1. that the project shall be built as shown on the plans submitted to the Planning Division date stamped August 27, 2021, sheets A0.0 through A5.6, sheets T-1 through T-3, sheets L1.1 through L3.3 and sheets A1.0 through A5.6;
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 City Council; 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 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);
4. that prior to issuance of a building permit, the project sponsor shall obtain and provide proof of approval of an Alternate Means of Protection or Methods of Construction from Central County Fire Department and that the project shall be constructed in accordance with the "Request for Alternate Materials or Methods of Construction" agreement between the applicant (or any future owner) and Central County Fire Department;
5. that the applicant shall apply for a lot merger, tentative and final condominium map with the Public Works, Engineering Division for processing in conformance with the Subdivision Map Act;
6. that the building permit set of plans shall include red curbs next to the project driveway to avoid issues associated with on-street parking obstructing the vision of exiting drivers, as recommended in the transportation impact analysis;
7. that the project shall include five (5) affordable units to households of "Low Income" category, as defined as earning a maximum of 80% of the San Mateo County Area Median Income; the City Manager shall be authorized to execute an agreement with the applicant and the applicant shall enter into an agreement for the administration of the sale, rent or lease of the affordable units at least 120 days before the final inspection;
8. that the required affordable dwelling units shall be constructed concurrently with market-rate units;
9. that the five (5) low income restricted affordable units shall remain restricted and affordable to the designated income group for a minimum period of fifty-five (55) years (or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program);
10. that the five (5) restricted affordable units shall be built on-site and be dispersed within the development. The number of bedrooms of the restricted affordable units shall be equivalent to the bedroom mix and average sizes of the non-restricted units in the development; except that the applicant may include a higher proportion of restricted affordable units with more bedrooms. The design and construction of the affordable dwelling units shall be consistent with the design, unit layout, and construction of the total project development in terms of appearance, exterior construction materials, and unit layout;
11. 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 of very low, lower, and 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, 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;

12. that the above noted regulatory agreement regarding the five (5) 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;
13. that prior to issuance of a building permit for the project, the project applicant shall pay the first half of the North Burlingame/Rollins Road Development Fee in the amount of \$20,776.82, made payable to the City of Burlingame and submitted to the Planning Division;
14. that prior to scheduling the final framing inspection, the project applicant shall pay the second half of the North Burlingame/Rollins Road Development Fee in the amount of \$20,776.82, made payable to the City of Burlingame and submitted to the Planning Division;
15. that prior to final inspection or the date the certificate of occupancy is issued, whichever occurs first, the project applicant shall pay the Public Impact Fees in the amount of \$351,450.30 in full, payable to the City of Burlingame and submitted to the Planning Division;
16. that the project shall include the Transportation Demand Management Measures as proposed in the Transportation Demand Management (TDM) Plan, prepared by Hexagon Transportation Consultant, Inc., dated November 9, 2020;
17. that a TDM annual report shall be prepared by a qualified, independent consultant and paid for by the owner and submitted to the City of Burlingame annually; with the initial, or baseline, commute survey report to be conducted and submitted one (1) year after the granting of a certificate of occupancy for 75 percent or more of the project and annually after that;
18. that the TDM annual report shall provide information about the level of alternative mode-uses and in the event a 25 percent reduction in peak-hour vehicle trips and reduction in overall parking demand is not met, the report shall explain how and why the goal has not been reached; in such a circumstance the annual report shall identify a work plan, to be approved by the City of Burlingame, which describes additional or alternative measures for implementation that would be necessary to enhance the TDM program to attain the TDM goal of 25 percent mode split;
19. that the City may consider whether the employer/tenant has made a good faith effort to meet the TDM goals and may allow the owner a six-month "grace period" to implement additional TDM measures to achieve the 25 percent vehicle trip reduction;
20. that prior to the issuance of building permits, a covenant agreement shall be recorded office with the San Mateo County Assessor and Recorder's Office to provide constructive notice to all future owners of the property of any ongoing programmatic requirements that discloses the required Transportation Demand Management (TDM) provisions and any conditions of approval related herein to compliance and reporting for the TDM;
21. that the public plaza shall be owned, operated, and maintained by the developer or property manager in accordance with an approved maintenance plan to be reviewed and approved by the Community Development Director;
22. that the public plaza shall be open to the public, without charge, each day of the year, except for temporary closures for necessary maintenance or public safety;

23. that the conditions of the Building Division's December 17, 2020 memo, the Stormwater Division's September 9, 2020 memo, the Park's Division's December 23, 2020 memo, Fire Division's December 19, 2020 memo and the Public-Works Engineering Division's December 18, 2020 memo related to the building permit submittal shall be met;
24. 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, prior to installation of any public safety communications equipment, if it is deemed necessary;
25. that prior to issuance of a building permit, the project sponsor shall file Form 7460-1 with the FAA, and provide to the City of Burlingame an approval of the FAA determination of no hazard to air navigation;
26. that the project applicant shall be required to evaluate potential airport noise impacts if the project is located within the 65 CNEL contour line of San Francisco International Airport (as mapped in the Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport). All projects shall be required to mitigate impacts to comply with the interior and exterior noise standards established by the Airport Land Use Compatibility Plan;
27. that that the project shall comply with the SFO Comprehensive Airport Land Use Compatibility Plan (ALUCP), specifically in accordance with Safety Compatibility Policy SP-2 pertaining to land uses; and that any future tenants of the commercial and office space comply with the Safety Compatibility Criteria for Safety Zone 3 as contained in Table IV-2 of the SFO ALUCP; this table defines uses to avoid and uses that are incompatible, summarized as follows:
 - Incompatible Uses-** Use is not compatible in the indicated zones and cannot be permitted:
 - a. **Children's schools** - Public and private schools serving preschool through grade 12, excluding commercial services
 - b. **Large child day care centers and noncommercial employer-sponsored centers ancillary to a place of business** - Commercial facilities defined in accordance with Health and Safety Code, Section 1596.70, et seq., and licensed to serve 15 or more children.
 - c. **Hospitals, nursing homes**
 - d. **Hazardous uses** – Uses involving the manufacture, storage, or processing of flammable, explosive, or toxic materials that would substantially aggravate the consequences of an aircraft accident. See Policy SP-3 of the SFO ALUCP for additional detail.
 - e. **Critical public utilities** - Facilities that, if disabled by an aircraft accident, could lead to public safety or health emergencies. They include the following: electrical power generation plants, electrical substations, wastewater treatment plants, and public water treatment facilities;
28. that all new development shall be required to comply with the real estate disclosure requirements of State law and General Plan as outlined in Policy IP-1 of the SFO ALUCP. The following statement must be included in the notice of intention to offer the property for sale or lease:

“Notice of Airport in Vicinity

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or

odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase or lease and determine whether they are acceptable to you.”;

29. 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;
30. that storage of construction materials and equipment on the street or in the public right-of-way shall be prohibited;
31. that the applicant shall prepare a construction staging and traffic control plan for the duration of construction for review and acceptance by the City Engineer prior to the issuance of a building permit; the construction staging plan shall include construction equipment parking, construction employee parking, timing and duration of various phases of construction and construction operations hours; the staging plan shall address public safety and shall ensure that worker's vehicles and construction equipment shall not be parked in public parking areas with exceptions for construction parking along the street frontages of the project site;
32. 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 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;
 - b. 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;
 - c. Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures would occur;
 - d. 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
 - e. 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;
33. 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;
34. 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;
35. 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;

36. 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;
37. 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;
38. that project approvals shall be conditioned upon installation of an emergency generator to power the sump pump system; and the sump pump shall be redundant in all mechanical and electrical aspects (i.e., dual pumps, controls, level sensors, etc.). Emergency generators shall be housed so that they meet the City's noise requirement;
39. that prior to issuance of a building permit, the applicant shall prepare and submit to the Department of Public Works – Engineering Division a sanitary sewer analysis that assesses the impact of this project to determine if the additional sewage flows can be accommodated by the existing sewer line. If the analysis results in a determination that the existing sewer line requires upgrading, the applicant shall perform the necessary upgrades as determined by the Engineering Division;
40. that a Protected Tree Removal Permit shall be required from the City of Burlingame Parks Division to remove any existing protected size trees on the subject property and that the project shall comply with the Tree Protection and Reforestation Ordinance adopted by the City of Burlingame 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;
41. 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;
42. 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;
43. that the applicant shall comply with Ordinance 1503, the City of Burlingame Storm Water Management and Discharge Control Ordinance;
44. that the project shall meet all the requirements of the California Building and Uniform Fire Codes, as amended by the City of Burlingame;
45. that this project shall comply with Ordinance No. 1477, Exterior Illumination Ordinance;
46. 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;

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

47. that prior to scheduling the foundation inspection a licensed surveyor shall locate the property corners, set the building envelope;

48. 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;
49. that prior to scheduling the roof deck inspection, a licensed surveyor shall shoot the height of the roof ridge and provide certification of that height to the Building Division;
50. 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;

The following conditions of approval are from the CEQA 15183 checklist prepared for the project:

51. **Mitigation Measure AQ-1: Implement BAAQMD Basic Construction Mitigation Measures.** The applicant shall require all construction contractors to implement the basic construction mitigation measures recommended by BAAQMD. The emissions reduction measures shall include, at a minimum, the following:
 - All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - All haul trucks transporting soil, sand, or other loose material off site shall be covered.
 - 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.
 - All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
 - 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.
 - Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
 - 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.
 - A publicly visible sign shall be posted 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;
52. **Mitigation Measure AQ-2: BAAQMD Enhanced Exhaust Emissions Reduction Measures.** The applicant shall implement the following measures during construction to further reduce construction-related exhaust emissions:
 1. All diesel-powered off-road equipment larger than 50 horsepower and operating at the site for more than two days continuously shall meet USEPA particulate matter emissions standards for Tier 3 engines or equivalent;
 2. Where access to alternative sources of power are available, portable diesel engines shall be prohibited; and
 3. All off-road equipment shall have engines that meet or exceed either USEPA or CARB Tier 3 (or better) off-road emission standards and Level 3 Diesel Particulate Filters (DPF). Other measures may be the use of added exhaust devices, or a combination of measures, provided that these

measures are approved by the City and demonstrated to reduce community risk impacts to less than significant;

53. **Mitigation Measure BIO-1: Pre-construction Nesting Bird Surveys and Protection Measures:** The applicant shall implement the measures that follow prior to structure demolition and tree removal or trimming. Construction shall avoid the avian nesting period (March 15 through August 31) to the extent feasible. 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 feet 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 50 feet of a passerine nest and 250 feet of a raptor nest until the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts.

If construction activities will not be initiated until after the start of the nesting season, all potential nesting substrates (e.g., bushes, trees, grasses, and other vegetation) that are scheduled to be removed by the project may be removed prior to the start of the nesting season (e.g., prior to March 15). This will preclude the initiation of nests in this vegetation, and prevent the potential delay of the project due to the presence of active nests in these substrates;

54. **Mitigation Measure BIO-2: Implement Bird-safe Design Standards into Project Building and the Lighting Design.** The applicant, or contractor, shall implement the following measures to minimize hazards for birds:

- Reduce large areas of transparent or reflective glass.
- Locate water features, trees, and bird habitat away from building exteriors to reduce reflection.
- Reduce or eliminate the visibility of landscaped areas behind glass.
- Turn non-emergency lighting off at night, especially during bird migration season (February–May and August–November).
- Include window coverings that adequately block light transmission from rooms where interior lighting is used at night and install motion sensors or controls to extinguish lights in unoccupied spaces.
- Design and/or install lighting fixtures that minimize light pollution, including light trespass, over-illumination, glare, light clutter, and skyglow, and use bird-friendly colors for lighting when possible. The City of San Francisco's *Standards for Bird-safe Buildings* provides an overview of building design and lighting guidelines to minimize bird/building collisions that could be used to guide the applicant;

55. **Mitigation Measure CULT-1: Pre-construction Archaeological Sensitivity Training:** A qualified archaeologist shall conduct a pre-construction archaeological sensitivity training session for the excavation crew. This training shall include an overview of what cultural resources are and provide information regarding why such resources are important, archaeological terms (such as site, feature, deposit), Project site history, the types of cultural resources that are likely to be uncovered during excavation, the laws that protect cultural resources, and the protocol for unanticipated discoveries (see Mitigation Measure CULT-2). All crew members conducting ground disturbance shall attend archaeological sensitivity training. A sign-in sheet shall be provided to track who has attended the training. An "Alert Sheet" shall also be posted in conspicuous locations on the Project site to alert personnel to the procedures and protocols to follow any discovery of potentially significant prehistoric archaeological resources;

56. **Mitigation Measure CULT-2: Develop and Implement a Tribal Cultural and Archaeological Monitoring Plan:** Given the reasonable potential for tribal cultural and archaeological resources to be present within the proposed work area, the following measures shall be undertaken to avoid any significant impacts on these potential resources. A Tribal Cultural and Archaeological Monitoring Plan shall be developed by a qualified archaeologist prior to any Project-related ground disturbance to determine specific areas of archaeological sensitivity within proposed work areas. The Tribal Cultural and Archaeological Monitoring Plan will determine whether an onsite Native American and qualified archaeological monitor are required during Project-related ground disturbance. The plan shall include protocol that outlines tribal cultural and archaeological monitoring best practices, anticipated resource types, and an Unanticipated Discovery Protocol. The Unanticipated Discovery Protocol shall describe steps to follow if unanticipated archaeological discoveries are made during project work and a chain of contact;
57. **Mitigation Measure CULT-3: Unanticipated Discovery Protocol:** Should an archaeological resource be encountered during Project construction activities, the construction contractor shall halt construction within 100 feet of the find and immediately notify the City of Burlingame. Construction activities shall be redirected, and a qualified archaeologist shall 1) evaluate the archaeological resource to determine if it meets the CEQA definition of a historical or unique archaeological resource and 2) make recommendations about the treatment of the resource, as warranted. If the resource does meet the CEQA definition of a historical or unique archaeological resource, then it shall be avoided to the extent feasible by Project construction activities. If avoidance is not feasible, then adverse effects to the deposit shall be mitigated through an archaeological treatment plan. This mitigation may include, but is not limited to, a thorough recording of the resource on Department of Parks and Recreation Form 523 records, archaeological data recovery excavation, curation of artifacts found, the preparation of an archaeological monitoring report, and public interpretation;
58. **Mitigation Measure CULT-4: Handling of Human Remains:** If any human remains are discovered during ground-disturbing activities, an evaluation shall be performed to assess likely age and provenance in a manner that is respectful of the disturbed remains. If determined to be, or likely to be, Native American, the District shall comply with state laws regarding the disposition of Native American burials, which fall **within the jurisdiction** of NAHC (PRC Section 5097). If human remains are discovered or recognized in any location other than a dedicated cemetery, there shall be no further excavation or disturbance within 50 feet of the until:
1. The county coroner has been informed by the District and has determined whether investigation of the cause of death is required
 2. If the remains are of Native American origin:
 - a. The descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98; or
 - b. NAHC was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission.
 - c. NAHC recommends a Most Likely Descendant to make a recommendation to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98.

According to California Health and Safety Code, disturbance of Native American cemeteries is a felony (Section 7052). Section 7050.5 requires that excavation be stopped in the vicinity of the discovered human remains until the coroner can determine whether the remains are those of a Native American;

59. **General Plan Mitigation Measure 12-1. Paleontological Assessment:** In areas containing middle to late Pleistocene-era sediments where it is unknown if paleontological resources exist, prior to grading an assessment shall be made by a qualified paleontological professional to establish the need for

paleontological monitoring. Should paleontological monitoring be required after recommendation by the professional paleontologist and approval by the Community Development Director, paleontological monitoring shall be implemented.

- *Paleontological Monitoring.* A project that requires grading plans and is located in an area of known fossil occurrence or that has been demonstrated to have fossils present in a paleontological field survey or other appropriate assessment shall have all grading monitored by trained paleontological crews working under the direction of a qualified professional, so that fossils exposed during grading can be recovered and preserved. Should any potentially unique fossils be encountered during development activities, work shall be halted immediately within 50 feet of the discovery, the City of Burlingame Planning Department shall be immediately notified, and a qualified paleontologist shall be retained to determine the significance of the discovery.
- *Paleontological Recovery, Identification, and Curation.* The City and a project applicant shall consider the mitigation recommendations of the qualified paleontologist for any unanticipated discoveries. The City and the project applicant shall consult and agree upon implementation of measures that the City and project applicant deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. The project applicant shall be required to implement any mitigation necessary for the protection of paleontological resources.
- *Paleontological Findings.* Qualified paleontological personnel shall prepare a report of findings (with an itemized appendix of specimens) subsequent to implementation of paleontological recovery, identification, and curation. A preliminary report shall be submitted, subject to approval by the Community Development Director before granting of building permits, and a final report shall be submitted, subject to approval by the Community Development Director before granting of occupancy permits;

60. **Mitigation Measure NOI-1: Construction Noise Control Plan:** The applicant shall develop a set of site-specific noise attenuation measures. Prior to commencement of construction activities, the applicant shall submit the construction noise control plan to the City for review and approval. Noise attenuation measures shall be identified in the plan and implemented to reduce noise levels to the greatest extent feasible. Noise measures may include, but are not limited to, the following:

- All construction equipment shall be properly maintained and in good working order.
- Prior to construction activities, designate a "Construction Noise Coordinator" who would be responsible for responding to any local complaints about construction noise. The Construction Noise Coordinator shall determine the cause of the complaint and shall require that reasonable measures warranted to correct the problem be implemented. The telephone number for the Construction Noise Coordinator shall be conspicuously posted at the construction site.
- Prior to construction activities, notify adjacent residents of the construction schedule in writing and provide them with the contact information of the Construction Noise Coordinator.
- Using smaller equipment with lower horsepower or reducing the hourly utilization rate of equipment 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;

61. **Mitigation Measure NOI-2: Employ Vibration-Reducing Practices and Complaint Reporting during Construction:** As construction conditions permit, heavy vibration-producing equipment such as vibratory rollers, large bulldozers, auger drill rigs, loaded trucks, and rock breakers will be located at least 25 feet away from adjacent buildings. During construction, if this type of equipment is required inside 25 feet, alternative techniques that rely on smaller equipment types shall be used. If the use of heavy equipment is required within 25 feet of buildings and no equipment alternatives are feasible, a designated coordinator shall be responsible for handling and responding to any complaints received during such periods of construction. A reporting program shall be required that documents complaints received, actions taken, and the effectiveness of these actions in resolving disputes. The designated coordinator shall also address and resolve complaints from vibration-related impacts, even if the heavy-vibration equipment is greater than 25 feet from adjacent buildings;
62. **Mitigation Measure TRA-1: Traffic Control Plan:** Prior to issuance of grading and building permits, the applicant shall submit a Traffic Control Plan to the City. The requirements of the Traffic Control Plan include, but are not limited to, the following: Truck drivers shall be notified of and required to use the most direct route between the site and U.S. 101, as determined by the City Engineering Department; all site ingress and egress shall occur only at the main driveways to the Project site; specifically designated travel routes for large vehicles shall be monitored and controlled by flaggers; warning signs, indicating frequent truck entry and exit points, shall be posted on adjacent roadways, if requested; and any debris or mud on nearby streets caused by trucks shall be monitored daily, which may require instituting a street cleaning program; and
63. **Mitigation Measure TCR-1: Stop Work if Precontact or Historic-period Tribal Cultural Materials are Encountered During Ground-disturbing Activities:** If precontact or historic-period cultural materials are unearthed during ground-disturbing activities, all work within 50 feet of the find will halt until a qualified archaeologist and Native American representative can assess the significance of the find. If the find is determined to be a potentially significant TCR, the Project contractor will cause the archaeologist, in consultation with the Native American representative, to develop a treatment plan, which could include site avoidance, capping, or data recovery. The Project contractor or the appropriate agency will be responsible for ensuring that recommendations regarding treatment and reporting are implemented.

Catherine Keylon
Senior Planner

- c. Levy Design Partners, applicant and architect
DPT 1820 Ogden Drive LLC and 1814 Ogden LLC & Patel Family Trust, property owners

Attachments:

Applicant's Response Letter, dated September 20, 2021

- Materials Board
- Photo of adjacent senior housing (Sunrise)
- Rendering of south elevation / height comparison with Sunrise
- Window detail

January 25, 2021 Planning Commission Minutes

Application to the Planning Commission

Project Summary, dated August 7, 2020

NBMU Project Summary Checklist

Conditional Use Permit Application - Tandem Parking and Mechanical Puzzle Stackers – C.S. 25.40.050(D)

Map- Comprehensive Airport Land Use Safety Compatibility Zone 3

Table E-3 from the Comprehensive Airport Land Use Plan - Safety Compatibility Criteria for Zone 3

San Mateo County 2021 income limits

Alternative Means of Protection application, Central County Fire Department

- Summary of Alternate Means

Neighbor letters-

- Gloria Velez, email #1 - January 4, 2021
- Gloria Velez, email #2 - January 4, 2021
- Michael Yep, email April 13, 2021

Staff Comments

Planning Commission Resolution (Proposed)

Notice of Public Hearing – Mailed September 17, 2021

Area Map

Separate Attachments:

CEQA 15183 Environmental Compliance Checklist, prepared by ICF, dated September 2020

Appendices- thumb drive in back sleeve of CEQA document

- Appendix A – Transportation Demand Management Plan (TDM)
- Appendix B – Air Quality and Greenhouse Gas Assessment
- Appendix C – Biological Resources Report
- Appendix D – Historic Evaluation and DPR Forms
- Appendix E – Archeological Resources Information
- Appendix F – Noise Technical Report
- Appendix G – TIA (Transportation Impact Analysis)