

City of Burlingame

*Amendment to Commercial Design Review, Condominium Permit, and
Conditional Use Permit for a New 44-Unit Live/Work Building*

**Item No. 8d
Regular Action Item**

Address: 619-625 California Drive

Meeting Date: June 28, 2021

Request: Application for Amendment to Commercial Design Review, Conditional Use Permit for building height and Condominium Permit for construction of a new five-story, 44-Unit live/work development.

Applicant and Architect: Ian Birchall, Ian Burchall and Associates

APN: 029-131-140, -150, and -160

Property Owner: Ed 1005 BM LLC

General Plan: Downtown Specific Plan: North California Drive Commercial District

Lot Area: 19,450 (0.45 acres)

Zoning: C-2, North California Drive Commercial District

Previous Approval: 4-story, 26-unit live/work building with 2,100 SF of retail space

Proposed Project: 5-story, 44-unit live/work building

Allowable Use: Live/Work, retail, personal service, business service, hotel, office, food establishment, auto repair shops, auto sales, lots, laundry services (refer to C-2 and C-1 zoning district regulations for a full list of permitted and conditional uses).

Environmental Review: A Mitigated Negative Declaration was prepared for the previously approved 26-unit live/work development (ND-600-P). On the basis of the Initial Study and the whole record, it was determined that the previously approved project, with incorporation of mitigation measures, would not have a significant impact on the environment.

There are no substantial changes proposed by the project proponent or the lead agency that would change the findings of the Draft IS/MND or in the circumstances in which the proposed project would be undertaken that would require major revisions of the Final IS/MND, or preparation of a new subsequent or supplemental EIR, due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The proposed project is consistent with the Final IS/MND, and would involve only minor changes; therefore, an Addendum is the appropriate CEQA compliance for the proposed project.

An Addendum to the Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared to reflect the revised project, which includes increasing the number of live/work units from 26 to 44 and replacing the previously approved 2,100 SF of retail space on the ground floor with a workshare/co-working space and conference room (see attached – appendices are available at www.burlingame.org/619-25california). While the Initial Study/Mitigated Negative Declaration for the previously approved project was circulated for public review, an Addendum is not required to be circulated for public review.

On the basis of the Initial Study, Addendum, and the whole record, it has been determined that the proposed project, with the incorporation of mitigation measures, will not have a significant impact on the environment. The impacts of the proposed project remain within the impacts previously analyzed in the Final IS/MND.

Areas identified with potential environmental impacts that could be mitigated to less than significant levels were in the areas of air quality, biological resources, cultural and tribal cultural resources, geology and soils, hydrology and water quality, public services, transportation/traffic, and utilities/service systems. Mitigation measures for these areas are included in the attached Mitigation Monitoring and Reporting Plan. The mitigation measures in the IS/MND have been incorporated into the recommended conditions of approval (in italics).

History: An application for Mitigated Negative Declaration, Commercial Design Review, Conditional Use Permit for building height, Condominium Permit and Lot Merger for construction of a new four-story, 26-unit live/work development with retail commercial space on the ground floor at 619-625 California Drive was approved by the Planning Commission on September 24, 2018 (see attached September 24, 2018 Planning Commission Meeting Minutes). The developer has not yet submitted for a building permit.

Planning staff would note that in September 2020, the Planning Commission approved a 25-unit live/work condominium development at 601 California Drive (at corner of California Drive and Floribunda Avenue), proposed by the same architect and developer).

Proposed Amendment to Previously Approved Project: The owner is now proposing several changes to the previously approved project. In summary, the changes to the project include:

- Changing the overall design and exterior materials;
- Increasing the number of live/work units from 26 to 44;
- Eliminating the 2,100 square feet of retail space on the ground floor, and instead incorporating a lobby, workshare/co-working space and conference room on ground floor; and
- Increasing the number of stories from four to five (building height increases from 53'-8³/₈" to 54'-8³/₄".

Plans for the previously approved 26-unit project have been provided as a reference.

Project Summary: The project site is located at the southwest corner of California Drive and Oak Grove Avenue. The project site consists of three separate parcels which would be combined into one parcel for the proposed project. The site is surrounded by an automobile service facility to the east, three-story multifamily residential buildings to the south, a retail building to the west, and a railroad right-of-way to the north.

The applicant is proposing to construct a new five-story, 44-unit live/work building. The ground floor will consist of an entrance lobby providing pedestrian access to the live/work units on the upper floors, a workshare/co-working space, and conference room. Behind the building amenities is a parking garage for 44 vehicles (42 spaces in vehicle lifts, 1 electric vehicle space, and 1 disabled-accessible space). The live/work units on the second, third, and fourth floors range from 741 SF to 1,234 SF in area. Each live/work unit will contain a living area, kitchen, bathroom, laundry closet, sleeping area (studio or one-bedroom), and a work area.

The Zoning Code defines live/work as "a single unit (e.g., studio, loft or one-bedroom) consisting of both a commercial/office and a residential component that is occupied by the same resident. The live/work unit shall be the primary dwelling of the occupant." The Downtown Specific Plan allows live/work units in the following zoning districts: C-2 North California Drive Commercial District, California Drive Auto Row, Howard Mixed Use, Bayswater Mixed Use, and Myrtle Mixed Use (Conditional Use Permit required).

The following applications are required for the proposed project:

- Amendment to Commercial Design Review for construction of a new five-story, 44-unit live/work building (C.S. 25.31.045 and 25.57.010 (c) (1) and Chapter 5 of the Downtown Specific Plan);
- Conditional Use Permit for building height (54'-8³/₄" proposed where 55'-0" is the maximum allowed; Conditional Use Permit required if building exceeds 35'-0") (C.S. 25.31.060 (c)); and

- Condominium Permit for construction of the new building (each unit to be privately owned) (C.S. 26.30.020).

November 9, 2020 Design Review Study Meeting: On November 9, 2020, the Planning Commission held a design review study meeting to consider the proposed amendment (see attached November 9, 2020 Planning Commission Minutes). Overall, the Commission noted that the proposed architecture is an improvement compared to the previous design and that it would harmonize nicely with the project recently approved on the other corner of the block. They also supported the increase in the number of live/work units proposed with this project. In addition, the Commission acknowledged that the face of retail is changing and agreed that replacing the retail space with proposed workshare/co-working space is a good concept which would liven up the street. Lastly, they expressed concern regarding the possible increase in traffic from the increase in the number of live/work units (see discussion under 'Transportation/Traffic Analysis' on page 6 of the staff report).

In their discussion, the Commission requested that the applicant address the following:

1. Provide a montage of the proposed project and the approved project at 601 California Drive.
 - The applicant provided a Site Montage, dated January 27, 2021, including an elevation and renderings showing the two projects (see separate attachment).
2. Provide a shadow study show the impacts of adding an additional floor on adjacent properties.
 - The applicant provided a Shadow Study, dated February 17, 2021; also included at the end of this exhibit is the shadow study prepared for the previously approved project (see separate attachment). Staff would note that shade and shadow impacts on private property is not a consideration under CEQA. The Shadow Study has been provided only for informational purposes regarding how the building would affect the visual character of the site.
3. Consider adding additional street trees along California Drive and Oak Grove Avenue.
 - The City Arborist evaluated the site and proposed plans and determined that three (3) street trees may be accommodated along California Drive. A condition of approval has been added requiring that prior to issuance of a building permit, the applicant will be required to consult with the City Arborist to determine the size, spacing and species of the street trees.

The City Arborist noted that no additional street trees may be added along Oak Grove Avenue, given the size of the canopy of the existing street tree near the corner of Oak Grove Avenue and California Drive and the location of the proposed curb cut for the driveway into the project garage.

The following is a summary of the changes made since the design review study meeting; all changes occur on the ground floor (see revised Floor Plan, sheet A-2.00):

1. Manager's office was eliminated and replaced with a conference room;
2. Workshare/co-working space was expanded with kitchenette counter at one end;
3. Revised the size and location of the electric room, HOA storage room, ADA bathroom and bike storage room; and
4. Elevator equipment room was added in the garage near the elevator.

Table 1 - Compliance with C-2, North California Drive Commercial District Regulations

Lot Area: 19,450 SF

Plans date stamped: January 25, 2021

	Previous Approval	Proposed Project	Allowed/Required
Land Use:	26 live/work units above the ground floor 2,100 SF commercial space (retail) on the ground floor	44 live/work units above the ground floor Lobby, workshare/co-working space and conference room on ground floor	live/work units permitted above the first floor only
Minimum Lot Size & Street Frontage:	19,450 SF lot size 149.36 feet along California Dr 120 feet along Oak Grove Ave	no change	5,000 SF lot size 50 feet of street frontage
Floor Area Ratio:	2.47 FAR (48,059 SF)	2.98 FAR (58,065 SF)	3.0 FAR (58,350 SF)
Lot Coverage:	72.8% (14,160 SF)	74.6% (14,507 SF)	75% (14,587 SF)
Setbacks			
Front (California Dr):	1'-2¾"	0'-0"	no minimum required
Side (Oak Grove Ave):	2'-2"	5'-0"	no minimum required
Interior Side:	6'-1"	0'-5"	no minimum required
Rear:	10'-0"	11'-8"	10'-0"
Building Height:	4 stories 53'-8⅝" to top of building roof ¹	5 stories 54'-8¾" to top of building roof ¹	55'-0" maximum CUP required if over 35'-0"
Off-Street Parking:	34 total spaces (12 at-grade spaces + 22 space in vehicle lifts)	44 total spaces (42 spaces in vehicle lifts + 1 EV space + 1 ADA space)	44 total spaces

¹ Conditional Use Permit required for building height (54'-8¾" proposed where 55'-0" is the maximum allowed; Conditional Use Permit required if building exceeds 35'-0").

Commercial Design Review: Commercial Design Review is required for new commercial and mixed use buildings pursuant to Code Sections 25.31.045 and 25.57.010(c)(1). Design Review was instituted for commercial projects in 2001 with the adoption of the Commercial Design Guidebook. The project is located within the boundaries of the *Burlingame Downtown Special Plan* and therefore subject to Chapter 5 of the Downtown Specific Plan (Design & Character). Section 5.2 (pages 5-3 through 5-12) provides design guidelines specifically for commercial and mixed use areas within the Downtown Specific Plan area. Section 5.4 (pages 5-22 through 5-26) provides more general design guidelines that apply to all areas of the downtown. The relevant pages of the plan have been included as an attachment for convenience of commissioners.

The proposed exterior facades will include a variety of materials including Parklex façade cladding, metal batten siding, architectural concrete, stainless steel columns and canopies, aluminum balcony railings, and aluminum framed windows and doors. Corten steel planters are proposed along California Drive and at the corner of the site. The applicant provided renderings of the proposed project from various view points along California Drive and Oak Grove Avenue (see sheets A-5.00, A-5.10 and L-02.00).

The overall height of the building, as measured to the top of the parapet, is proposed at 54'-8³/₄" above average top of curb level where 55'-0" is the maximum allowed. An application for a Conditional Use Permit is being requested since the building exceeds 35'-0" in height. The Zoning Code allows 5% of the roof area, for such items as enclosed elevator shafts, stairways and other equipment, to project not more than 10'-0" above the top of parapet. The elevator shaft and enclosed stairways to the roof level are exempt from the overall building height since they project 6'-0" above the top of parapet and take up less than 5% of the roof area.

Landscaping/Private and Common Open Space: Although there are no landscaping requirements in the C-2, North California Drive Commercial District, landscaping is proposed throughout the site as shown on the Landscape Plans, sheets L-01.00 through L-02.00. Concept images of the proposed landscaping, planters, and seating areas are shown on sheet L-02.00. Please refer to the Landscape Plans for detailed description of the various plants and trees proposed throughout the site.

There are no requirements for private and common open space for commercial condominiums. However, in addition to the common open space provided in the rear yard, the proposed project includes private balconies or terraces for 21 of the 44 live/work units; the balconies/terraces all are oriented towards California Drive.

Currently, there are no street trees along California Drive (two previously existing street trees were removed at an unknown date). As noted above, the City Arborist determined that three (3) street trees may be accommodated along California Drive. A condition of approval has been added requiring that prior to issuance of a building permit, the applicant will be required to consult with the City Arborist to determine the size, spacing and species of the street trees.

The existing street tree along Oak Grove Avenue will be retained. The City Arborist determined that no additional street trees can be added along Oak Grove Avenue given the canopy size of the existing street tree to be retained and the location of the new driveway curb cut.

Off-Street Parking: Because the live/work project is located within a commercial district and is proposed as a condominium, the commercial condominium parking regulations would apply. Based on parking requirements for commercial condominiums found in Code Section 26.30.070 (a), unistall parking spaces are permitted (8'-6" x 18'-0" allowed and proposed) and an area for a delivery/service vehicle is not required (not provided with this project; only required for residential condominiums).

However, regarding the number of off-street parking spaces required for this project, it was determined that the residential parking regulations would be most appropriate for the proposed live/work units. The subject property is located within the boundaries of the plan area for the Downtown Specific Plan. Therefore, the

project qualifies for the reduced residential parking requirements for Downtown, as per Code Section 25.70.032. Based on the number of bedrooms per unit proposed for this project (all units are studio or 1-bedroom units), the Zoning Code requires a total of 44 spaces for the live/work units (1 parking space per studio/1-bedroom unit required). The project provides a total of 44 off-street parking spaces and therefore is in compliance with off-street parking requirements. No guest parking is required on-site for properties located within the Downtown Specific Plan area (no guest parking provided).

The project includes a total of 44 at-grade parking spaces (42 automated parking spaces utilizing pit puzzle stackers, one independent electric vehicle space and one independent disabled-accessible space). The at-grade parking will be accessed from an 18-foot wide driveway on Oak Grove Avenue. The proposed project complies with the zoning code which requires a minimum of an 18-foot wide driveway for parking areas with more 30 vehicles. Bicycle parking for four bicycles is provided on the ground floor in an enclosed bicycle room.

The proposed project includes vehicle stackers to provide 42 of the required parking spaces in the secured garage area for the live/work units. The applicant is proposing to use the Klaus MultiBase 2072i (2 parking spaces in a pit stacker) and Klaus Trendvario 3100 (40 parking spaces in pit shuffle stackers) stacker systems which can accommodate passenger cars, station wagons, SUV's, and vans (see attached specifications). The First Floor Plan on sheet A-2.00 shows where the vehicle stackers would be installed within the garage; the building section on sheet A-3.10 shows how that the proposed vehicle stackers would contain a pit so that two independent vehicles can be accommodated.

The Municipal Code does not include specifications for vehicle stackers, so the City currently does not have a standard mechanism for review and approval. However, as a policy the Downtown Specific Plan encourages "creative approaches" to providing on-site parking including stackers. The stackers could each be considered "creative approaches" to providing the required on-site parking. To date, the City has approved several commercial and residential projects with various parking lift systems.

Traffic/Transportation Analysis: Traffic/transportation impacts from the proposed project were analyzed in the Transportation Impact Analysis (TIA) memorandum prepared by Hexagon Transportation Consultants, Inc., dated March 12, 2021 (see attached Appendix E). The proposed 44-unit live/work project would generate more peak-hour vehicle trips than the originally approved 26-unit live/work project; the previous project was projected to generate 123 trips per day, while the proposed project is expected to generate 195 trips per day, with 13 net trips (3 inbound and 10 outbound) occurring during the AM peak hour and 14 net trips (10 inbound and 4 outbound) occurring during the PM peak hour.

Traffic conditions at the study intersections were evaluated using level of service (LOS). *Level of Service* is a qualitative description of operating conditions ranging from LOS A, or free-flow conditions with little or no delay, to LOS F, or jammed conditions with excessive delays. The IS/MND Addendum notes that "as illustrated in Table 8, the peak-hour LOS would not change when comparing background traffic conditions and background traffic conditions plus the proposed project trips. The LOS would not change with the additional trips generated by the revised proposed project." Table 8 from the Addendum is provided on the next page.

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Table 1: Peak-hour LOS for Background and Background Plus Project

Intersection	Peak-hour	Count Date	Background ¹		Background Plus Project ²	
			Average Delay (sec)	LOS	Average Delay (sec)	LOS
Carolan Avenue and Oak Grove Avenue	AM	05/23/17	15.2	C	15.3	C
	PM	05/23/17	12.9	B	12.9	B
California Drive and Oak Grove Avenue	AM	04/24/19	19.6	B	19.7	B
	PM	04/24/19	15.9	B	16.0	B
Ansel Road and Oak Grove Avenue	AM	01/11/18	11.5	B	11.5	B
	PM	01/11/18	11.0	B	11.1	B
El Camino Real and Oak Grove Avenue	AM	01/11/18	13.2	B	13.2	B
	PM	01/11/18	12.7	B	12.6	B

Notes:

¹ Background traffic volumes reflect traffic added by projected volumes from approved but not yet completed developments in the project area.

² Background traffic volumes reflect traffic added by projected volumes from approved but not yet completed developments in the project area. Background traffic volumes with the project were estimated by adding to background traffic volumes to the additional traffic generated by the project. Background plus project conditions were evaluated relative to background conditions to determine potential project impacts.

* Because of limitations within the Synchro software, the intersection of Carolan and Oak Grove Avenue cannot be evaluated with three stop-controlled approaches and one free-flowing approach. Therefore, the study intersection was evaluated as an all-way stop control intersection to provide a conservative level of service analysis.

**A 1 percent per year growth factor was applied to escalate the counts to 2020.

Source: Hexagon 2021.

With regards to traffic signals, the TIA notes that “a peak hour signal warrant analysis was performed for two of the unsignalized study intersections, Carolan Avenue and Oak Grove Avenue and Ansel Avenue and Oak Grove Avenue, based on the peak-hour traffic volumes. The intersection of Ansel Avenue and Oak Grove Avenue would not warrant signalization under any traffic scenario with or without the project. The intersection of Carolan Avenue and Oak Grove Avenue would not warrant signalization in any of the PM peak hour scenarios; however, the intersection would warrant signalization in all of the AM peak hour scenarios, including existing conditions. Because the intersection would operate an acceptable LOS C or better in all scenarios during the AM and PM peak hours, and due to the intersection’s proximity to the railroad, it is not recommended that a traffic signal be installed at this intersection.”

Lastly, staff would note that pursuant to SB 743, vehicle miles travelled (VMT) is now the metric in analyzing transportation impacts for land use projects for CEQA purposes. The City of Burlingame is undertaking a process of updating its significance thresholds to be consistent with SB 743, but has not released draft thresholds. In the absence of an adopted, or even draft, City policy with numeric thresholds, this study utilized the Governor’s Office of Planning and Research (OPR) guidelines in analyzing VMT.

The *Technical Advisory on Evaluating Transportation Impacts in CEQA* published by OPR provides recommendations regarding VMT evaluation methodology, significance thresholds and screening thresholds for land use projects. The following OPR recommendations are relevant to the project:

- OPR recommends that office or residential projects exceeding a level of 15 percent below existing VMT per capita may indicate a significant transportation impact.
- OPR recommends that projects (including office, residential, retail and mixed-use developments) proposed within ½ mile of an existing major transit stop may be presumed to have a less-than-significant impact on VMT.
- OPR recommends that 100 percent affordable residential development in infill locations be presumed to have a less-than-significant impact on VMT.

Because the project is located within ½ mile of the Burlingame Caltrain Station, it can be presumed to have a less-than-significant impact on VMT based on OPR guidelines.

General Plan and Zoning: In 2010 the City Council adopted the Burlingame Downtown Specific Plan, which serves as an element of the General Plan. The subject property is located within the boundaries of the planning area for the Downtown Specific Plan, specifically in the North California Drive Commercial District which is described as follows:

The North California Drive Commercial District is the area along the west side of California Drive north of Bellevue Avenue to Oak Grove Avenue. Service Commercial uses dominate in this area. Retail or hotel uses are permitted on the ground floor whereas offices or hotel uses can be allowed on upper floors.

Affordable (Below-Market Rate) Units: The City's previous Inclusionary Housing Ordinance has been replaced by a Density Bonus Ordinance consistent with State Law. The Density Bonus Ordinance is discretionary, and projects are not obligated to provide affordable units unless they seek to utilize development standard incentives offered by the ordinance. The applicant has not chosen to apply any of the development standard incentives offered by the Density Bonus Ordinance and therefore is not providing any affordable units as part of the project.

Public Facilities Impact Fee: 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 live/work building and providing a credit for the existing commercial building and two dwelling units, the required public facilities impact fee for this development project is \$188,885.80. One-half of the public facilities impact fees payment will be required prior to issuance of a building permit issuance; the second half of the payment will be required before the final framing inspection.

Findings for a Mitigated Negative Declaration: For CEQA requirements the Planning Commission must review and approve the Mitigated Negative Declaration, finding that on the basis of the Initial Study and any comments received in writing or at the public hearing that there is no substantial evidence that the project will have a significant (negative) effect on the environment that cannot be mitigated.

Suggested Findings for Mitigated Negative Declaration: In accordance with CEQA Guidelines Section 15183, the environmental analysis in the Initial Study was conducted to determine if there were any project-specific effects that are peculiar to the project or its site. Based on the environmental analysis, it was determined that the proposed project would have no adverse environmental impacts on the environmental in the areas of aesthetics, agriculture and forestry services, greenhouse gas emissions, hazards and hazardous

materials, land use and planning, mineral resources, noise, population and housing, and recreation. Although the environmental analysis did find that the project could have a significant effect in the areas of air quality, biological resources, cultural and tribal cultural resources, geology and soils, hydrology and water quality, public services, transportation/traffic, and utilities and service systems, there were mitigations measures identified to reduce adverse impacts to acceptable levels. Therefore, based on the Initial Study, there will be no significant environmental effects as a result of this project.

Design Review Criteria: The criteria for Commercial Design Review as established in Ordinance No. 1652 adopted by the Council on April 16, 2001 are outlined as follows:

1. Support of the pattern of diverse architectural styles that characterize the city's commercial areas;
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;
3. On visually prominent and gateway sites, whether the design fits the site and is compatible with the surrounding development;
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;
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 structure 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 six design review criteria based on the following:

- that the proposal consists of exterior facades with a variety of materials, including Parklex façade cladding, metal batten siding, architectural concrete, stainless steel columns and canopies, aluminum balcony railings, and aluminum framed windows and doors, is consistent with the pattern of diverse architectural styles that characterize the city's commercial areas, and that architecturally the design is consistent by using a single architectural style on the site that is consistent among primary elements of the structure;
- that the proposed ground floor facade along California Drive, consisting of an aluminum and glass system recessed at various points along the building façade and a metal canopy at the main entry to the building, and concealing the parking garage by locating it behind the building and placing the vehicle entry to the garage along the side of the building off Oak Grove Avenue, promotes pedestrian activity by allowing views directly into the lobby, workshare/co-working space and conference room;
- that the proposed design fits the site and is compatible with the surrounding development in that the project is consistent with existing buildings in the area characterized by simple massing, flat walls and roofs, and repetitive fenestration; the project mediates between existing two- and three-story buildings in the area to create a continuous neighborhood, is well articulated, and embraces the street and the pedestrian realm;

- that the design exhibits thoughtful massing, character and pedestrian scale and contains a four-story façade at the front and rear of the building (fifth floor is setback 19'-6" along the front of the building and 9'-0" along the rear of the building); and
- that the proposal is consistent with the design guidelines established in Chapter 5 of the Downtown Specific Plan (Design & Character).

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 Building Height: Based on the following reasons, the project may be found to be compatible with the requirements of the City's three Conditional Use Permit criteria.

- 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, in that the live/work use is consistent with the existing commercial and multiple-family residential uses in the neighborhood;
- The proposed 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 live/work use on a property determined to be suitable for such use in the Zoning Code and Burlingame General Plan; and
- The proposed project will be compatible with the aesthetics, mass, bulk, and character of the existing and potential uses on adjoining properties in the general vicinity in that given the neighborhood, bounded by California Drive, Oak Grove Avenue, El Camino Real and Bellevue Avenue, is generally composed of two- to four-story structures, the project is generally compatible with the surrounding structures in mass and scale with a proposed building height of 54'-8¾" to top of roof; and because the top (5th) floor is stepped back 19'-6" along the front of the building and 9'-0" along the rear of the building, it will provide a sense of a four-story building when viewed from nearby locations, will be a less prominent element of the front building façade, and given the proximity of the project site to other three- and four-story buildings in the general vicinity and in the Downtown area it will be compatible with the mass and character of buildings in the area.

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: Based on the following reasons, the project may be found to be compatible with the requirements of the City's Condominium Permit criteria.

- *Sound community planning; the economic, ecological, social and aesthetic qualities of the community; and on public health, safety and general welfare* in that the 44-unit live/work development project is scaled to be compatible with existing commercial and multifamily buildings in the area and features appropriate landscaping with usable common open space both on the ground level and on the fourth floor terrace;
- *The overall impact on schools, parks, utilities, neighborhoods, streets, traffic, parking and other community facilities and resources* in that the project site is located in an urban area and is surrounded by commercial and residential development which is served by utility and public services; and that a Mitigated Negative Declaration and Addendum prepared for the project analyzed potential impacts of new infill development and included conditions of approval to mitigate potential environmental impacts, and with incorporation of these conditions of approval, the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- *Conformity with the general plan and density permitted by zoning regulations*, in that the project provides 44 live/work units and 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 and the Initial Study/Mitigated Negative Declaration Addendum prepared for the project. Affirmative action should be taken separately by resolution including the conditions representing mitigation for the Mitigated Negative Declaration and any conditions from the staff report and/or that the commissioners may add. The reasons for any action should be clearly stated.

Please note that the conditions below include mitigation measures taken from the Final Initial Study/Mitigated Negative Declaration (shown in italics). The mitigations will be placed on the building permit as well as recorded with the property and constitute the mitigation monitoring plan for this project. 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 January 25, 2021, sheets A-0.01a through A-6.00, Architectural Site Survey, L-01.00 through L-02.00, C-1 and C-2;
2. that prior to issuance of a building permit, the applicant shall consult with the City Arborist to determine the number, size, spacing and species of street trees along California Drive in front of the project site; all new street trees shall be shown on the plans submitted for a building permit;
3. the applicant shall apply for a tentative and final condominium map and tentative and final parcel map for lot merger with the Public Works, Engineering Division for processing in conformance with the Subdivision Map Act;

4. 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;
5. that any changes to the size or envelope of the building, which would include expanding the footprint or floor area of the structure, replacing or relocating windows or changing the roof height or pitch, shall be subject to Planning Commission review (FYI or amendment to be determined by Planning staff);
6. that the maximum elevation at the top of the roof ridge shall not exceed elevation 73.91' as measured from the average elevation at the top of the curb for a maximum height of 54'-8³/₄", and that the top of each floor and final roof ridge shall be surveyed and approved by the City Engineer as the framing proceeds and prior to final framing and roofing inspections. 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;
7. that prior to issuance of a building permit for the project, the applicant shall pay the first half of the public facilities impact fee in the amount of \$94,442.90, made payable to the City of Burlingame and submitted to the Planning Division;
8. that prior to scheduling the final framing inspection, the applicant shall pay the second half of the public facilities impact fee in the amount of \$94,442.90, made payable to the City of Burlingame and submitted to the Planning Division;
9. that the final inspection shall be completed and a certificate of occupancy issued before the close of escrow on the sale of each unit;
10. 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;
11. that the trash receptacles, furnaces, and water heaters shall be shown in a legal compartment outside the required parking and landscaping and in conformance with zoning and California Building and Fire Code requirements before a building permit is issued;
12. that Klaus MultiBase 2072i and Klaus Trendvario 3100 stacker systems, or equivalent parking lifts, shall be installed with the following conditions:
 - a. the parking lifts shall be properly illuminated to provide safety for easy loading and unloading, while not causing excessive glare.
 - b. signage shall be installed in each garage 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.

13. Construction Management Plan: 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.;
 - e. 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; and
 - f. Designation of a readily available contact person for construction activities who would be responsible for responding to any local complaints regarding traffic or parking. This coordinator would determine the cause of the complaint and, where necessary, would implement reasonable measures to correct the problem.
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;
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 all runoff created during construction and future discharge from the site shall be required to meet National Pollution Discharge Elimination System (NPDES) standards;
18. that the applicant shall submit an erosion and sedimentation control plan describing BMPs (Best Management Practices) to be used to prevent soil, dirt and debris from entering the storm drain system; the plan shall include a site plan showing the property lines, existing and proposed topography and slope; areas to be disturbed, locations of cut/fill and soil storage/disposal areas; areas with existing vegetation to be protected; existing and proposed drainage patterns and structures; watercourse or sensitive areas on-site or immediately downstream of a project; and designated construction access routes, staging areas and washout areas;

19. that 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;
20. that methods and procedures such as sediment basins or traps, silt fences, straw bale dikes, storm drain inlet protection such as soil blanket or mats, and covers for soil stock piles to stabilize denuded areas shall be installed to maintain temporary erosion controls and sediment control continuously until permanent erosion controls have been established;
21. 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;
22. 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;
23. 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;
24. that the applicant shall obtain a Tree Work Permit from the Parks Division for removal of the existing red oak street tree along Oak Grove Avenue;
25. that the applicant shall coordinate with the City of Burlingame Parks Division regarding the replacement of the two existing street trees along California Drive with two new London Plan street trees and the replacement of the existing red oak tree with a new red oak tree along Oak Grove Avenue;
26. 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;
27. 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;
28. 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;
29. that the applicant shall comply with Ordinance 1503, the City of Burlingame Storm Water Management and Discharge Control Ordinance;
30. that the project shall be required to comply with all the standards of the California Building and Fire Codes, in effect at time of building permit issuance, as amended by the City of Burlingame;
31. that this project shall comply with Ordinance No. 1477, Exterior Illumination Ordinance;

The following four (4) conditions shall be met during the Building Inspection process prior to the inspections noted in each condition:

32. that prior to scheduling the foundation inspection, a licensed surveyor shall locate the property corners, set the building footprint and certify the first floor elevation of the new structure(s) based on the elevation at the top of the form boards per the approved plans; this survey shall be accepted by the City Engineer;
33. that prior to scheduling the framing inspection the project architect or residential designer, or another architect or residential design professional, shall provide an architectural certification that the architectural details shown in the approved design which should be evident at framing, such as window locations and bays, are built as shown on the approved plans; architectural certification documenting framing compliance with approved design shall be submitted to the Building Division before the final framing inspection shall be scheduled;
34. 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;
35. 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 Downtown Specific Plan:

36. the project sponsor shall prepare a Geotechnical Study identifying the depth to the seasonal high water table at the project site. No permanent groundwater dewatering would be allowed. Instead, all residential uses must be elevated to above the seasonal high water table and all areas for non-residential uses shall be flood-proofed and anchored, in accordance with floodplain development requirements, to the design depth as recommended by geotechnical engineer. Final design shall be prepared by a qualified professional engineer and approved by the Burlingame Department of Public Works prior to receiving a building permit;
37. the project sponsor shall implement all appropriate control measures from the most currently adopted air quality plan at the time of project construction;
38. the project sponsor shall ensure implementation of the following mitigation measures during project construction, in accordance with BAAQMD standard mitigation requirements:
 - a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day or as necessary.
 - b. All haul trucks transporting soil, sand, or other loose material offsite shall be covered or otherwise loaded consistent with California Vehicle Code Section 23114.
 - c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry sweeping is prohibited.
 - d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - e. All roadways, driveways, sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

- f. Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of the California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - h. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
39. 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.
40. 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;
41. that employers shall post and update information on alternate modes of transportation for the area (i.e. bus/shuttle schedules and stop locations, maps);
42. 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;
43. 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;
44. the project sponsor shall incorporate commercial water efficiency measures such that water consumption is decreased by a minimum of 10 percent over current standard water demand factors;
45. that construction shall avoid the March 15 through August 31 avian nesting period 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 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;
46. 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;

47. that the following practices shall be incorporated into the construction documents to be implemented by the project contractor.
- a. Maximize the physical separation between noise generators and noise receptors. Such separation includes, but is not limited to, the following measures:
 - Use heavy-duty mufflers for stationary equipment and barriers around particularly noisy areas of the site or around the entire site;
 - Use shields, impervious fences, or other physical sound barriers to inhibit transmission of noise to sensitive receptors;
 - Locate stationary equipment to minimize noise impacts on the community; and
 - Minimize backing movements of equipment.
 - b. Use quiet construction equipment whenever possible.
 - c. Impact equipment (e.g., jack hammers and pavement breakers) shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically-powered tools. Compressed air exhaust silencers shall be used on other equipment. Other quieter procedures, such as drilling rather than using impact equipment, shall be used whenever feasible.
48. 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;
49. 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.
50. 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.
51. that if evidence of an archeological site or other suspected cultural resource as defined by CEQA Guidelines Section 15064.5, including darkened soil representing past human activity ("midden"), that could conceal material remains (e.g., worked stone, worked bone, fired clay vessels, faunal bone, hearths, storage pits, or burials) is discovered during construction-related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted and the City of Burlingame

shall be notified. The project sponsor shall hire a qualified archaeologist to conduct a field investigation. The City of Burlingame shall consult with the archeologist to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than significant level through data recovery or other methods determined adequate by a qualified archaeologist and that are consistent with the Secretary of the Interior's Standards for Archeological Documentation. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-J) form and filed with the NWIC;

52. 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
53. 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 Environmental Impact Report:

Air Quality

54. *MM AIR-1: During construction activities, the following air pollution control measures shall be implemented:*
- *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 roadways, driveways, and sidewalks shall be paved as soon as possible.*
 - *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.*

- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
 - A publicly visible sign shall be posted with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours of a complaint or issue notification. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.
55. *MM AIR-2: The developer or Project Applicant shall ensure all off-road construction equipment in excess of 50 horsepower used on-site by the developer or contractors is equipped with engines meeting the EPA Tier IV off-road engine emission standards. The construction contractor shall maintain a log of equipment use at the construction site with make, model, serial number, and certification level of each piece of construction equipment that will be available for review by City building inspection staff.*

Biological Resources

56. *MM BIO-1: Migratory Birds and Nesting Raptors*
1. *If construction or tree removal is proposed during the breeding/nesting season for local avian species (typically March 1 through August 31), a focused survey for active nests of raptors and migratory birds within and in the vicinity of (no less than 250 feet outside the project boundaries, where possible) the project site shall be conducted by a qualified biologist. One survey will be conducted 30 days prior to tree removal or construction activities. If no active nests are found, tree removal or construction activities may proceed.*
 2. *If an active nest is located during pre-construction surveys, the United States Fish and Wildlife Service and/or the California Department of Fish and Wildlife (as appropriate) shall be notified regarding the status of the nest. Furthermore, construction activities shall be restricted to avoid disturbance of the nest until it is abandoned or the biologist deems disturbance potential to be minimal. Restrictions may include establishment of exclusion zones or alteration of the construction schedule.*
57. *MM BIO-2: Special-status Bat Species*
1. *To reduce construction related impacts to special-status bat species, a bat survey shall be conducted between March 1 to July 31 by a qualified wildlife biologist within the year of proposed construction start and prior to ground disturbance. If no bat roosts are detected, then no further action is required. If a colony of bats is found roosting on-site, then the following mitigation will be implemented to reduce the potential disturbance:*
 2. *If a female or maternity colony of bats are found on the project site, a wildlife biologist through coordination with CDFW shall determine what physical and timed buffer zones shall be employed to ensure the continued success of the colony. Such buffer zones may include a construction-free barrier of 200 feet from the roost and/or the timing of the construction activities outside the maternity roost season (after July 31 and before March 1).*

Cultural and Tribal Cultural Resources

58. *MM CUL-1: In the event a potentially significant cultural resource is encountered during subsurface earthwork activities, all construction activities within a 100-foot radius of the find shall cease and workers should avoid altering the materials until an archaeologist who meets the Secretary of Interior's*

Professional Qualification Standards for archaeology has evaluated the resource. The Applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The resource shall be recorded on appropriate Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA criteria by the qualified archaeologist. If the resource is determined significant under CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant in accordance with Section 15064.5 of the CEQA Guidelines. The archaeologist shall also perform appropriate technical analyses, prepare a comprehensive report complete with methods, results, and recommendations, and provide for the permanent curation of the recovered resources. The report shall be submitted to the City of Burlingame, the Northwest Information Center, and the State Historic Preservation Office (SHPO), as required.

59. *MM CUL-2: In the event that fossils or fossil-bearing deposits are discovered during construction activities, excavations within a 100-foot radius of the find shall be temporarily halted or diverted. The project contractor shall notify a qualified paleontologist to examine the discovery. The applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The paleontologist shall document the discovery as needed in accordance with Society of Vertebrate Paleontology standards and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction activities are allowed to resume at the location of the find. If the Applicant determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of construction activities on the discovery. The plan shall be submitted to the City of Burlingame for review and approval prior to implementation, and the Applicant shall adhere to the recommendations in the plan.*
60. *MM CUL-3: In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and Section 5097.98 must be followed. If during the course of project development there is accidental discovery or recognition of any human remains, the following steps shall be taken:*
1. *There shall be no further excavation or disturbance within 100 feet of the remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the most likely descendant (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98.*
 2. *Where the following conditions occur, the landowner or his or her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the project site in a location not subject to further subsurface disturbance:*
 - *The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the commission.*
 - *The descendant identified fails to make a recommendation.*
 - *The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.*

Additionally, California Public Resources Code Section 15064.5 requires the following relative to Native American Remains:

When an initial study identifies the existence of, or the probable likelihood of, Native American Remains within a project, a lead agency shall work with the appropriate Native Americans as identified by the Native American Heritage Commission as provided in Public Resources Code Section 5097.98. The applicant may develop a plan for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American Burials with the appropriate Native Americans as identified by the Native American Heritage Commission.

Geology and Soils

61. *MM GEO-1: Prior to the issuance of a building permit and during the foundation phases of construction, the project applicant shall follow the recommendations of the Geotechnical Investigation, by retaining a qualified geotechnical consulting firm. Subsurface conditions may vary from those encountered at the locations of borings during the Geotechnical Investigation. The geotechnical firm retained by the project applicant shall review final engineer plans as well as observe and test during the earthwork and foundation phases of construction. This would ensure recommendations from the Geotechnical Investigation are properly incorporated into the project plan and development.*

62. *MM GEO-2: Prior to the issuance of a building permit, the project's plans shall reflect foundations that extend deep enough to penetrate more stable soils. The project applicant shall follow the recommendations of the Geotechnical Investigation, by ensuring the building be supported on conventional spread footing foundation system bearing on stiff native soils or properly compacted structural fill. All continuous footings shall have a width of at least 15 inches and shall extend at least 30 inches below exterior grade or at least 24 inches below the bottom of concrete slabs-on-grade, whichever is deeper. Footings located adjacent to utility lines shall bear below a 1:1 plane extending up from the bottom edge of the utility trench. Continuous foundations shall be designed with sufficient depth and reinforcing to tolerate the estimated differential settlement. The geotechnical consulting firm retained by the applicant shall observe all footing excavations prior to the placement of reinforcing steel to confirm that suitable material has been exposed and properly cleaned. If soft or loose soil is encountered in the foundation excavations, the geotechnical consulting firm may require overexcavation and/or compactive effort or a deeper footing depth below the reinforcing steel is placed.*

Alternative to the spread footing foundation described above, the building may be supported on a reinforced concrete mat foundation bearing on a properly prepared and compacted soil subgrade. The mat foundation shall have a thickened perimeter edge that extends at least eight inches into the soil subgrade below the bottom of the mat or at least four inches below the base of the capillary break rock section. This should improve edge stiffness, reduce the potential for map slab dampness, and increase resistance to lateral loads imposed on the mat. The mat foundation shall be reinforced to provide structural continuity and to permit spanning of local irregularities. It shall be designed with sufficient depth and reinforcing to be able to tolerate the estimated differential settlements. Prior to mat construction, the subgrade shall be proof-rolled to provide a smooth firm surface for mat support. Where dampness of the mat would be undesirable, a high quality membrane vapor barrier shall be installed.

63. *MM GEO-3: Prior to the issuance of a building permit, the structural engineer shall consult with the membrane manufacturer for the coefficient of friction to be assumed for design. Lateral loads may be resisted by base friction between the vapor barrier or damp proofing membrane shown below the mat and the supporting subgrade and by passive soil pressure acting against the sides of the mat foundations. Lateral resistance may be provided by passive soil pressure acting against the sides of foundations cast neat in footing excavations or backfilled with compacted structural fill. The upper foot*

of passive soil shall not be neglected where soil adjacent to the footing or mat will be landscaped or subject to softening from rainfall and/or surface runoff.

64. *MM GEO-4: Prior to the issuance of a building permit, the building foundations shall be designed as recommended by the Geotechnical Investigation. The 30-year post-construction differential settlement due to static loads is not expected to exceed 1 inch across the proposed building. Less differential movement would be expected across a structural mat foundation. Additional differential settlement may occur as a result of liquefaction and dynamic densification caused by severe ground shaking during a major earthquake.*

Hydrology and Water Quality

65. *MM HYD-1: The project applicant shall prepare and implement a stormwater pollution prevention plan (SWPPP) for all construction activities at the project site. At a minimum, the SWPPP shall include the following:*
- A construction schedule that restricts use of heavy equipment for excavation and grading activities to periods where no rain is forecasted during the wet season (October 1 thru April 30) to reduce erosion associated intense rainfall and surface runoff. The construction schedule shall indicate a timeline for earthmoving activities and stabilization of disturbed soils;*
 - Soil stabilization techniques such as covering stockpiles, hydroseeding, or short-term biodegradable erosion control blankets;*
 - Silt fences, compost berms, wattles or some kind of sediment control measures at downstream storm drain inlets;*
 - Good site management practices to address proper management of construction materials and activities such as but not limited to cement, petroleum products, hazardous materials, litter/rubbish, and soil stockpile; and*
 - The post-construction inspection of all drainage facilities and clearing of drainage structures of debris and sediment.*
66. *MM HYD-2: Prior to project approval, the project applicant shall prepare the appropriate documents consistent with San Mateo Countywide Water Pollution Prevention Program (SMCWPPP) and NPDES Provisions C.3 and C.6 requirements for post-construction treatment and control of stormwater runoff from the site. Post-construction treatment measures must be designed, installed, and hydraulically sized to treat a specified amount of runoff. Furthermore, the project plan submittals shall identify the owner and maintenance party responsible for the ongoing inspection and maintenance of the post-construction stormwater treatment measure in perpetuity. A maintenance agreement or other maintenance assurance must be submitted and approved by the City prior to the issuance of a final construction inspection.*

Public Services

67. *MM PS-1: The project Applicant would be responsible for paying all school impact fees at the time of building permit issuance.*

Transportation/Traffic

68. *MM TRANS-1: In order to maintain adequate sight distance, on-street parking shall be prohibited on Oak Grove Avenue between the project driveway and the western neighboring driveway.*

Ruben Hurin
Planning Manager

- c. Ian Burchall, Ian Burchall and Associates, applicant and architect
Ed 1005 BM LLC, property owner

Attachments:

November 9, 2020 Planning Commission Minutes
September 24, 2018 Planning Commission Minutes
Application to the Planning Commission
Letter of Explanation, dated July 21, 2020
Conditional Use Permit Application
Invitation for Community Outreach Meeting
Klaus MultiBase 2072i and Trendvario 3100 Vehicle Lift Specifications
Downtown Specific Plan Applicable Design Guidelines
Planning Commission Resolutions (proposed)
Notice of Public Hearing – Mailed June 18, 2021
Area Map

Separate Attachments

Addendum – IS/MND (proposed project)
Traffic Impact Analysis – Appendix E (proposed project)
Final IS/MND and Draft IS/MND (previously approved project)
Mitigation Monitoring and Reporting Plan
Site Montage, dated January 27, 2021
Shadow Study, dated February 17, 2021