



PROJECT LOCATION
240 Lorton Avenue

City of Burlingame

Commercial Design Review and Conditional Use Permit for a
New Four-Story Commercial Building

Item No. 8b
Regular Action Item

Address: 240 Lorton Avenue

Meeting Date: October 11, 2016

Request: Application for Commercial Design Review and Conditional Use Permit for building height for construction of a new, four-story commercial building (retail and office).

Applicant and Property Owner: DLC Lorton

APN: 029-211-200

Architect: MBH Architects

Lot Area: 7,006 SF (0.16 acres)

General Plan: Service and Special Sales - Downtown Specific Plan (Burlingame Avenue Commercial District)

Zoning: BAC (Burlingame Avenue Commercial)

Adjacent Development: Restaurant, retail, personal service, office, and residential

Current Use: Retail on the ground floor and temporary construction office on the upper floor.

Proposed Use: Four-story commercial building; retail on the ground floor and office on upper three floors.

Allowable Use: Retail, personal services, business services, hotels, travel agencies, government agencies, offices above the first floor, and personal trainer and assessment businesses above and below the first floor.

Environmental Review Status: The project is Categorically Exempt from review pursuant to the California Environmental Quality Act (CEQA), per Section 15332, In-Fill Development Projects, which consists of projects characterized as in-fill development meeting the conditions described below (see page 7 for additional information).

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

Project Summary: The site is currently occupied by a two-story building with at-grade parking at the rear. The ground floor space is currently occupied by a window retail business (formerly RadioShack). There are four residential units on the upper floor, and currently three of the four units are being used as a temporary construction office for the construction project at 225 California Drive. Adjacent to the south is a one and two-story building with a restaurant and offices and adjacent to the north is a one-story building with two restaurants. Across Lorton Avenue to the west is the former Burlingame Main Post Office. Hatch Lane (a one-way thoroughfare with traffic flowing south-bound) runs behind the property to the rear.

The applicant is proposing to demolish the existing two-story building and construct a new four-story commercial building with at-grade covered parking. The proposed building will contain 1,375 SF of retail space on the ground floor and 13,801 SF of office space on the three floors above. The proposal also includes 1,820 SF of roof deck areas primarily located at the front of the building. With the roof deck, the front of the building is three stories tall and the rear is four stories. The BAC District Regulations states that retail and office uses (above the first floor only) are permitted uses (Code Section 25.32.020 (a) and (g)(1)).

The retail space will be accessible from Lorton Avenue. The lobby to access the upper floor office spaces will be located behind the retail space by way of a covered walkway alongside the retail space. The office space floors have been designed as a shell to be able to accommodate either a single tenant or multiple tenants.

The building will have at-grade parking located behind the lobby and retail space on the ground floor, with access from Lorton Avenue. This includes one accessible space and 14 hydraulic “puzzle stacker” parking lift spaces. Vehicular traffic from the project would exit on Hatch Lane. Hatch Lane is one-way towards Howard Avenue, so all vehicles would exit the project to the Hatch Lane/Howard Avenue intersection. The following applications are required for this project:

- Commercial Design Review for a new commercial building (Code Sections 25.32.045 and 25.57.010(c)); and
- Conditional Use Permit for building height exceeding 35'-0" in height (55'-0" proposed where 55'-0" is the maximum allowed building height) (Code Section 25.32.055).

Design Study Meeting (September 26, 2016): At the Planning Commission design review study meeting on September 26, 2016, the Commission requested that the applicant consider their comments/suggestions on the proposed design and voted to place this item on the regular action calendar (September 26, 2016 Planning Commission Minutes attached). The applicant submitted a written response and revised plans, dated October 3, 2016, in response to the Planning Commission's comments and suggestions. The responses are summarized below.

1. *Would it harm the architecture too much to reduce the height of the entry doors? Encouraged revisiting this aspect.*

- The applicant notes that the bottom of the retail awning (top of the entry doors) has been lowered from 10'-0" to 9'-5" above finished floor (see revised building elevations on sheets A3.1.1 and A.3.1.2). The applicant also provided an exhibit showing the proposed building overlaid on a streetscape, which shows that the height of the front entry doors and retail awning are consistent with the existing buildings along Lorton Avenue (see revised Neighborhood Photos on sheet A0.0.1).

2. *Would like to learn of a location of a parking stacker in use to observe its operation.*

- The applicant arranged a field visit for Planning Commission and Planning staff to view a functional puzzle stacker in San Francisco on September 29, 2016. In addition, the applicant submitted a "Report of Sound Meter Measurements" for a similar Klaus parking system (see attached). The report concludes that raising and lowering the platforms (includes lateral movement) within the puzzle stacker is equivalent to sound level decibels found for a large office building.

3. *Look at the findings for the conditional use permit and make sure that the responses are providing enough detail. Readdress why the conditional use permit for additional height is warranted.*

- The applicant submitted a revised Conditional Use Permit Application, date stamped October 3, 2016 (attached).

4. *Noted that colors seven and eight are reversed on the materials board and the colors are somewhat off. Make certain that the colors are accurately represented.*

- The colors have been corrected on the rendering, materials sheet, and materials board. The updated materials board will be available for review at the Planning Commission meeting.

5. Thinks that the base is over articulated by the striped effect. Feels that the cornice is under articulated.

- The color of the stone on the ground floor has been revised to include warmer tones, providing a sense of less articulation (see revised building elevations and materials board). Although there were no changes made to the cornice, the applicant provided an enlarged cornice axonometric and cornice detail on sheet A8.1.1 to help further explain the proposed cornice design.

6. Expects that if the in-lieu fee is paid, the question will come up as to how much is in the Parking Fund and how much is needed to build additional parking. Noted that every in-lieu fee is charged even to a fraction of a space

- The City's Finance Division reports that currently there is a balance of \$297,685 in the Parking In-lieu account. Payment of the parking in-lieu fee for this project would increase the balance to \$1,888,959.64.

Based on a study conducted several years ago by the Engineering Division, the cost to build a parking garage in the Burlingame Downtown Area is expected to range from \$10 to \$20 million dollars. The study noted that the cost is dependent on a number of items, including location, size of structure, number of parking spaces provided, etc.

In this case, the total parking requirement results in a whole number and does not include a fraction of a space (13,801 SF/300 = 46 parking spaces).

Planning staff would note that in recent discussions with the City Arborist, he noted that Trident Maple trees would be required as street trees instead of the Ginkgo biloba 'Fairmount' previously shown on the plans. The revised plans include two Trident Maple trees in tree grates as required by the City Arborist (see revised Site Plan on sheet A1.0.0).

Commercial Design Review: Commercial Design Review is required for new commercial buildings pursuant to Code Sections 25.32.045 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 stone on the ground floor and hand troweled polished and mottled cement plaster on the upper floors. Expansion and control joints will create rectangular shapes along the cement plaster facades. The retail storefront system and windows throughout the building will be aluminum with clear UV-coated glass. There will be a painted metal awning on the ground floor at the front of the building. Painted C-Channels are located between the ground floor and upper floors and along the top edge of the building. Recessed metal and cement plaster panels are proposed as design features on all building facades. Overhead doors to the electrical and garbage/recycling rooms will be steel. A materials board will be available at the meeting.

Along the rear façade on the ground floor, the applicant is proposing to install a vitrine (display area) for use by the Burlingame Historical Society (see Ground Floor Plan on sheet A2.0.1 and North Exterior Elevation on sheet A3.1.2). In addition, the left side wall along the rear half of the ground floor will be reserved for a mural to be installed at a future date (the adjacent building does not extend to the rear property line). The applicant has yet to determine the content of the mural.

The proposed project includes two roof deck areas located on the fourth floor totaling 1,820 SF; a larger roof deck at the front of the building (1,596 SF) and a smaller deck along the left side of the building (224 SF). The larger roof deck will contain various plants in planter boxes and seating areas. Please refer to the Landscape and Planting Plans on sheets L1.01 and L2.01.

Building Height: The maximum building height allowed in the BAC District is 55 feet. However, a Conditional Use Permit is required for any building or structure which exceeds 35 feet in height. As measured to the top of the roof parapet, the proposed four-story building is 55 feet in height. A request for a Conditional Use Permit for building height has been submitted by the applicant.

With the proposed roof deck area at the front of the building, the massing and height of the building transitions from three stories (44'-6" in height) at the front of the building to four stories (55'-0" in height) at the rear. Please refer to the rendering and proposed building elevations.

Off-Street Parking: The proposed project consists of 1,375 SF of retail on the ground floor and 13,801 SF of office on the second through fourth floors. Retail, personal service and food establishment uses located on the ground floor within the parking sector of the Burlingame Downtown Specific Plan are exempt from vehicle parking requirements as set forth in code section 25.70.090 (a). The subject property is located within the parking sector; therefore no additional off-street parking is required for the proposed retail use on the ground floor. The retail tenant has not yet been determined.

Off-street parking is required for the proposed office uses on the second through fourth floors (13,801 GSF). Based on the 1:300 GSF parking ratio for the proposed office use on the upper floors, 46 off-street parking spaces are required. A total of 15 parking spaces are provided on-site; 14 spaces in a mechanical vehicle lift system, also referred to as a puzzle stacker, and 1 at-grade disabled-accessible space. This represents a 31-space balance.

Land Use section 3.6.1 of the Downtown Specific Plan allows that in instances where uses proposed are not exempt from providing parking, in-lieu fees may be paid instead of providing parking on-site where there is expansion, intensification, or construction of new buildings. In this case, the proposed office use on the second through fourth floors is not exempt from providing parking. The applicant notes that the parking in-lieu fees will be paid for the balance of spaces required for the proposed project. A Parking Variance is not required, as the payment of in-lieu fees is provided as an option through the Downtown Specific Plan for projects within the parking sector. Currently, the fee is \$51,331.44 per parking space. The parking in-lieu fee for the proposed project is \$1,591,274.64 (31 spaces x \$51,331.44).

A puzzle stacker is a mechanical parking option that provides independent access to all cars parked on the system. In order to provide parking for 14 vehicles, the puzzle stacker requires a pit and one empty slot (see Building Sections on sheet A3.2.1). The puzzle stacker to be installed is a KlausTrendVario 4300 (see attached specifications). All vehicles would enter the project through a driveway entrance on Lorton Avenue, and exit through onto Hatch Lane. Hatch Lane is one-way towards Howard Avenue, so all vehicles would exit the project to the Hatch Lane/Howard Avenue intersection.

The Municipal Code does not include specifications for parking lifts, 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 parking lifts. The parking lifts 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 parking lifts.

The minimum required driveway width is 12'-0" for parking areas with not more than 30 vehicles. The site plan shows a 10'-0" driveway width at the front and rear of the property (measured from building wall to side property line). Although there is no recorded cross-access easement recorded on either of the properties, the subject property and adjacent property at 226 Lorton Avenue currently share the driveway to access their

parking spaces. Therefore, a condition of approval has been added to this application requiring that a cross-access easement be recorded on both properties.

240 Lorton Avenue

Lot Area: 7,006 SF (0.16 acres)

Plans date stamped: October 3 and September 19, 2016

	PROPOSED	ALLOWED/REQUIRED
Use:	Retail on Ground Floor (1,375 SF) Office on 2 nd through 4 th Floors (13,801 SF)	Retail Use – Permitted C.S. 25.32.020 (a) Office Use – Permitted C.S. 25.33.020 (g)
SETBACKS		
Front Build-To Line:	100% of structure must be located at front property line	At least 60% of structure must be located at front property line
Side (Left): (Right):	0'-0" 10'-0"	No minimum required
Rear:	0'-0"	No minimum required
BUILDING ENVELOPE:		
Lot Coverage:	5,530 SF 78.9%	No maximum
Building Height:	55'-0" ¹ (44'-6" at front/55'-0" at rear)	55'-0" (CUP required if building exceeds 35'-0")
OFF-STREET PARKING		
Off-Street Parking:	Puzzle stacker - 14 spaces <u>Accessible space - 1 spaces</u> Total = 15 spaces ²	Office - 1 space per 300 GSF Retail - none required <u>Office: 13,801 SF/300 GSF ratio</u> Total = 46 spaces
Driveway Width:	20'-0" driveway width (shared driveway with 226 Lorton Avenue)	Parking areas with not more than 30 vehicle spaces shall have a minimum driveway width of 12'-0"

¹ Conditional Use Permit for building height exceeding 35'-0" in height (55'-0" proposed where 55'-0" is the maximum allowed building height).

² Parking in-lieu fee, in the amount of \$1,591,274.64 (31 spaces x \$51,331.44), will be submitted in-lieu of providing 31 off-street parking spaces.

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General Plan/Specific Plan: The *Burlingame General Plan* designates this site for Service and Special Sales. In 2010 the City Council adopted the *Burlingame Downtown Specific Plan* (amended in 2011), 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 Burlingame Avenue Commercial District. The Plan describes the Burlingame Avenue Commercial District as follows:

The Burlingame Avenue area is the commercial and retail heart of Downtown Burlingame. Burlingame Avenue features a mixture of restaurants, national retail stores, and many locally based retailers. The eastern end of Burlingame Avenue area near the train station has a concentration of restaurants and is active during both day and evening hours, while the western end towards El Camino Real provides more retail and is less active.

Ground floor retail or personal service use is required in the Burlingame Avenue area. Office uses are allowed on the upper levels in commercial areas. Existing residential uses on upper floors may remain and be improved, but there should not be new residential uses within the Burlingame Avenue Commercial District.

The Downtown Specific Plan includes various Goals and Policies to guide growth and development in Downtown Burlingame. The table below shows how the proposed project meets these Goals and Policies.

GOAL/POLICY	PROJECT PROPOSED
Policy P-1.3: Conceal parking areas through the use of attractively designed above- or below-ground parking structures.	Ground level parking is concealed behind retail space and lobby.
Policy P-2.1: Explore creative parking solutions including parking pricing strategies.	14-car puzzle stacker on ground level.
Policy C-2.6: Consider the needs of pedestrian, bicycles, and people with disabilities.	Building contains an elevator and a disable-accessible parking space is provided on-site.
Policy S-1.3: Streetscapes should reflect Burlingame’s destination as a “tree city.” Trees should be planted throughout the downtown as an integral part of the streetscape, and mature streets trees should be persevered whenever possible.	Two new 24-inch box size street trees in decorative tree grates will be planted in front of the site.
Policy S-1.7: Require new developments and major remodel projects to include pedestrian-oriented retail design treatments on all exposed elevations.	Exposed ground level building facades consist of windows and entry doors which provide a connection between pedestrians and retail space, an awning, a variety of exterior facade materials.
Policy D-3.1: Ensure that new development is appropriate to Burlingame with respect to size and design.	Building does not exceed the maximum allowed building height; project is subject to design review.
Policy D-4.1: Encourage buildings to be built out to the sidewalk, with doors and windows facing the sidewalk to create a lively pedestrian environment.	Building is built out to the sidewalk with doors and windows facing the sidewalk.

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

Environmental Review Status: The project is Categorically Exempt from review pursuant to the California Environmental Quality Act (CEQA), per Section 15332, In-Fill Development Projects, which consists of projects characterized as in-fill development meeting the conditions described below.

- (f) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
 - *The Burlingame General Plan designates this site for Service and Special Sales. The site is located within the boundaries of the planning area for the Downtown Specific Plan, specifically in the Burlingame Avenue Commercial District, which designates this site for retail or personal services on the ground floor and office uses on the upper floors. The proposed project includes a retail use on the ground floor and offices on the second through fourth floors. The proposed project complies with applicable zoning regulations.*
- (g) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
 - *The proposed development is on a project site of 0.16 acres and is surrounded by urban uses, including retail stores, restaurants, and office buildings.*
- (h) The project site has no value as habitat for endangered, rare or threatened species.
 - *The project site is located in an urban area and is surrounded by dense commercial and residential development. The project site is completely developed and is currently occupied with a two-story building and a paved parking lot. There are no trees, riparian habitat or other sensitive plant communities on the project site. There are no creeks or wetlands present on the project site.*
- (i) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
 - *A Mitigated Negative Declaration was prepared for the Downtown Specific Plan, which analyzed potential impacts of new infill development and included standard conditions of approval to mitigate potential environmental impacts from projects. The proposed project is located within the Downtown Specific Plan and conforms with development assumptions incorporated into the Initial Study and Mitigated Negative Declaration prepared for the Downtown Specific Plan. With incorporation of these standard conditions of approval, the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*
- (j) The site can be adequately served by all required utilities and public services.
 - *The project site is located in an urban area and is surrounded by dense commercial and residential development which is served by utility and public services. The existing two-story building will be replaced with a four-story building on the same lot with similar uses and therefore will be adequately served by required utility and public services.*

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 mixed use commercial building (retail and office) and providing a credit for the existing mixed use building (retail and multifamily residential), the required public facilities impact fee for this development project is \$113,070.45. 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.

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 five design review criteria based on the following:

- that the proposal consisting of a stone base, stucco siding broken up by an aluminum storefront system on the ground floor and windows on the second through fourth floors, and a C-Channel cornice is consistent with the pattern of diverse architectural styles that characterize the city's commercial areas;
- that the proposed storefront, consisting primarily of clear glazing, stone façade and a retail awning, and concealing the parking at the rear half of the building behind the retail space, promotes pedestrian activity by allowing views directly into the retail business;
- that the proposed building is consistent with the architectural style and mass and bulk with other structures by using a variety of materials including stone on the ground floor, hand troweled polished and mottled cement plaster on the upper floors broken up by expansion and control joints, an aluminum storefront system and windows throughout the building, a painted metal awning on the ground floor at the front of the building located at a height consistent with existing storefronts along Lorton Avenue, painted C-Channels between the ground floor and upper floors and along the top edge of the building, and recessed metal and cement plaster panels on all building façade; and
- that the proposal is consistent with the design guidelines established in Chapter 5 of the Downtown Specific Plan (Design & Character).

Required Findings for a Conditional Use Permit: In order to grant a Conditional Use Permit for a full service food establishment, 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 a Conditional Use Permit for Building Height: The project may be found to be compatible with the requirements of the Conditional Use Permit criteria based on the following:

- that since the proposed building does not exceed the maximum allowed building height of 55'-0" (44'-6" and 55'-0" proposed at the front and rear of the building, respectively) and will comply with the California Building and Uniform Fire Codes, the proposal 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;
- that since the proposal meets the Goals and Policies of the Downtown Specific Plan to guide growth and development in Downtown Burlingame, the use will be in compliance with the general plan for the area; and
- that conditions of approval have been suggested for consideration to assure that the proposal is compatible with the aesthetics, mass, bulk and character of existing and potential uses on adjoining properties in the general vicinity.

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. Action should include specific findings supporting the Planning Commission's decision, and should be affirmed by resolution of the Planning Commission. The reasons for any action should be stated clearly for the record. At the public hearing the following conditions should be considered:

1. that the project shall be built as shown on the plans submitted to the Planning Division date stamped October 3, 2016, sheets A0.0.0, A0.0.1, A1.0.0, A3.1.1, A3.1.2, A8.1.1, L2.01 and Materials Sheet, and date stamped September 19, 2016, sheets A0.1.0, A0.1.1, A0.2.0, A2.0.0 through A2.0.5, A3.2.1, A9.1.1 through A9.2.1, ALTA, and L1.01;
2. that the project sponsor shall consult and coordinate with the Burlingame Historical Society regarding the design content of the vitrine (display area) at the rear of the building and the mural along the left side of the building;
3. that a cross access easement for vehicular ingress/egress between the subject property (240 Lorton Avenue, APN: 029-211-200) and the adjacent property (226 Lorton Avenue, APN: 029-211-190)) shall be recorded with the property at the San Mateo County Recorder's Office and a copy of the recorded documents shall be sent to the City Engineer;

4. that any changes to the size or envelope of building, which would include changing or adding exterior walls or parapet walls, shall require an amendment to this permit;
5. that any changes to building materials, exterior finishes, windows, architectural features, roof height or pitch, and amount or type of hardscape materials shall be subject to Planning Division or Planning Commission review (FYI or amendment to be determined by Planning staff);
6. that the maximum elevation at the top of the roof parapet shall not exceed elevation 55.0' for a maximum height of 55'-0", 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. The ground floor finished floor shall be elevation 0.0'; second floor finished floor shall be elevation 16.0'; third floor finished floor shall be elevation 28.5', fourth floor finished floor shall be elevation 41.0', and the roof level shall be elevation 53.5'. The top of the roof screen shall be elevation 55.0'. 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 the on-site parking spaces shall be used only for the tenants and visitors of the office facilities on this site and shall not be leased or rented for storage of automobiles or goods either by individuals or businesses not on this site or by other businesses for off-site parking;
8. that prior to issuance of a building permit for the project, the applicant shall pay the parking in-lieu fee in the amount of \$1,591,274.64, made payable to the City of Burlingame and submitted to the Planning Division;
9. 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 \$56,535.22, made payable to the City of Burlingame and submitted to the Planning Division;
10. 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 \$56,535.22, made payable to the City of Burlingame and submitted to the Planning Division;
11. 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;
12. that storage of construction materials and equipment on the street or in the public right-of-way without an encroachment permit shall be prohibited;
13. that the conditions of the Building Division's August 19, 2016 and June 27, 2016 memos, the Engineering Division's July 15, 2016 memo, the Fire Division's August 25, 2016 and August 4, 2016 memos, the Parks Division's June 27, 2016 memo, and the Stormwater Division's August 25, 2016 and July 6, 2016 memos shall be met;
14. 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;

15. 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;
16. 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;
17. that the applicant shall comply with Ordinance 1503, the City of Burlingame Storm Water Management and Discharge Control Ordinance;
18. that the project shall meet all the requirements of the California Building and Uniform Fire Codes, 2013 Edition, as amended by the City of Burlingame;

THE FOLLOWING CONDITIONS SHALL BE MET DURING THE BUILDING INSPECTION PROCESS PRIOR TO THE INSPECTIONS NOTED IN EACH CONDITION:

19. 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;
20. 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;
21. 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; and
22. 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 DOWNTOWN SPECIFIC PLAN:

23. the project sponsor shall implement all appropriate control measures from the most currently adopted air quality plan at the time of project construction;
24. 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.
25. 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.
26. that employers shall post and update information on alternate modes of transportation for the area (i.e. bus/shuttle schedules and stop locations, maps);
27. 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;
28. 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;
29. 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;

30. 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;
31. 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.
32. 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;
33. 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.
34. 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.

35. 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;
36. 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
37. that if human remains are discovered at any project construction site during any phase of construction, all ground-disturbing activity within 100 feet of the resources shall be halted and the City of Burlingame and the County coroner shall be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California’s Health and Safety Code. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project sponsor shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. The City of Burlingame shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of State law, as set forth in CEQA Guidelines section 15064.5(e) and Public Resources Code section 5097.98. The project sponsor shall implement approved mitigation, to be verified by the City of Burlingame, before the resumption of ground-disturbing activities within 100 feet of where the remains were discovered.

Ruben Hurin
Senior Planner

- c. DLC Lorton, applicant and property owner
MBH Architects, project architect

Attachments:

Applicant's Written Response, dated October 3, 2016
September 26, 2016 Planning Commission Meeting Minutes
Application to the Planning Commission
Project Description submitted by the applicant, date stamped June 23, 2016
Conditional Use Permit Application
Klaus Parking Lifts Product Data Sheets
Downtown Specific Plan Applicable Design Guidelines
Staff Comments
Planning Commission Resolution (Proposed)
Notice of Public Hearing – Mailed September 30, 2016
Aerial Photo