

# City of Burlingame

*Amendment to Design Review and Side Setback Variance for a  
Previously Approved 27-Unit Multi-Family Residential Project*

Item No. 8e  
Regular Action Item

**Address:** 1128-1132 Douglas Avenue

**Meeting Date:** September 24, 2018

**Request:** Application for Amendment to Design Review and Side Setback Variance for a previously approved new five-story, 27-unit multi-family residential building with below-grade parking.

**Applicant and Architect:** Dreiling Terrones Architecture Inc.

**APN:** 029-132-180 and -190

**Property Owner:** Zers Development Inc.

**Lot Area:** 15,492 SF (combined lots)

**General Plan:** High Density Residential

**Zoning:** R-4

Burlingame Downtown Specific Plan (R-4 Base District)

**Environmental Review Status:** The Environmental Impact Report (EIR) prepared for the Douglas Avenue Multi-Family Residential Development Project was certified by the City Council on June 5, 2017. For reference, the Final EIR (comprised of the Draft EIR and the Response to Comments document) is attached.

On May 18, 2018 the applicant submitted a request to revise several aspects of the project. An Addendum to the EIR (attached, dated September 2018) was prepared to detail the requested project revisions and identify whether the revisions would result in new significant impacts or substantially increase the severity of previously identified significant impacts (CEQA Guidelines Section 15162).

The Addendum determined that no new or substantially more severe significant impacts would occur as a result of the project revisions. No new substantial changes would occur with respect to the circumstances under which the project would be undertaken. The mitigation measures and determination of significance for impacts included in the adopted EIR would continue to be valid. None of the conditions described in CEQA Guidelines Section 15162 requiring the preparation of a subsequent EIR or CEQA Guidelines Section 15163 requiring preparation of a supplemental EIR have occurred. This Addendum to the adopted EIR is an appropriate level of environmental review for the project revisions, as identified in CEQA Guidelines Section 15164.

**Background/History:** An application for Design Review, Conditional Use Permit for building height, Front Setback Landscape Variance, Parking Variance for driveway width, and Tentative Parcel Map for lot combination for a new, 27-unit residential apartment building at 1128-1132 Douglas Avenue was approved by the City Council on June 5, 2017 (the Planning Commission April 24, 2017 action approving the project was appealed by a neighbor) (see attached June 5, 2017 City Council Minutes). The Environmental Impact Report (EIR) prepared for the project was also certified by the City Council at that time. The project also includes moving the front half of the existing house at 1128 Douglas Avenue to 524 Oak Grove Avenue and additions to the first and second floors.

In his letter dated May 18, 2018 (attached), the project architect notes that following the Planning Commission approval, City Council appeal and subsequent meeting with neighbors, the property owner and architect had further discussion about the project. As a result of their discussions, the owner is now requesting approval of several revisions to the previously approved project, which are outlined in the next section below. No changes are proposed to the project at 524 Oak Grove Avenue.

The Planning Division would note that this application was brought directly to the Planning Commission as an Action Item since the application includes changes to a previously approved project, there is no intensification proposed, and the changes fall within the scope of the certified EIR for the previously approved project and EIR Addendum prepared for the project.

**Summary of Proposed Changes:** The applicant is requesting approval of several revisions to the previously approved multi-family residential project at 1128-1132 Douglas Avenue. There are no changes proposed to the associated single family dwelling project at 524 Oak Grove Avenue. Please refer to the applicant's response letter, dated May 18, 2018, for a detailed explanation of the proposed changes, which are summarized below.

1. **Relocate At-Grade Parking Spaces at Rear of Site to Underground Garage:** The previously approved project included 12 at-grade parking spaces at the rear of the lot and 22 below-grade parking spaces in an underground garage, for a total of 34 off-street parking spaces (where 33 spaces was the minimum required; one extra space provided). Access to the at-grade parking spaces at the rear of the lot was via a 9'-0" wide driveway located at the north end of the lot. A Parking Variance was granted for this substandard driveway width (9'-0" provided where 12'-0" is the minimum required).

The 9'-0" driveway width, additional cars using this shared driveway, and vehicles parking at the rear of the site were concerns expressed by the Planning Commission, City Council and neighbors. In addition, further investigation by two independent arborists determined that in order accommodate the 9'-0" driveway width, the root mass of the existing Redwood tree adjacent to the driveway would need to be altered to the point that it would compromise the tree, and therefore both arborists recommended removing the tree. However, the City Arborist has indicated that he would not approve removal of this tree for this purpose.

To address these concerns, the applicant is proposing to eliminate the at-grade parking spaces previously approved at the rear of the site and relocate them to the underground garage. Effectively, this eliminates the need for a Parking Variance for driveway width because parking for this project would no longer be provided at the rear of the site. The existing driveway at the north end of the lot would remain to provide access to the existing parking area for the adjacent property at 1124 Douglas Avenue.

The revised plans show that 11 parking spaces would be relocated and combined with the previously approved 22 underground parking spaces in the underground garage, providing a total of 33 parking spaces (33 spaces minimum required). The 12<sup>th</sup> space, a guest/delivery parking space which is not required for apartment buildings, will be eliminated from the project. However, the circular driveway would provide an area for short term parking/small vehicle deliveries. With this application, there are no changes proposed to the number of units or types of units.

With the exception of two disabled-accessible spaces and one standard space, the parking in the garage would be accommodated by a vehicle lift system, specifically single car and puzzle stackers by Klaus Multiparking (Singlevario and Trendvario Models). These systems are able to accommodate passenger cars and medium size SUVs (see specifications provided on the revised plans, sheets A8.1 and A8.2).

Lastly, the driveway leading to the underground garage was increased from 12'-0" to 18'-0" in width, as required for parking areas with more than 30 vehicles.

2. **Increase Ceiling Height in Underground Garage:** In order to accommodate the proposed vehicle lift systems, the underground garage height will increase from the previously approved 10'-0" clear to 14'-0" clear. With this revision, there is no change to the building height as the increased ceiling height would be achieved by excavating further below grade.

3. **Relocate Community Room from Front to Rear of Building:** Eliminating the parking spaces at the rear of the site provided the applicant an opportunity to relocate the community room, previously approved at the front of the building, to the rear of the building which provides privacy and a connection to the new outdoor living area (see revised First Floor Plan and Landscape Plan).
4. **Revise Rear Landscaping:** The area at the rear of the site previously approved for parking has been redesigned to be an outdoor living area, including two seating areas, raised vegetable planting boxes and a water feature (see revised Landscape Plan).
5. **Add Community Balcony at Rear of Building:** New balconies, located at the end of the interior corridors on the 2<sup>nd</sup> through 5<sup>th</sup> floors, are proposed at the rear of the building overlooking the rear yard space (see revised Floor Plans and West Elevation). The applicant notes that this feature also gives an otherwise flat elevation more depth and character.
6. **Revise Window Locations and Configurations:** The applicant is proposing several changes to window systems throughout the building. The windows at the corridors on the 2<sup>nd</sup> through 4<sup>th</sup> floors along the front façade have been pushed back an additional 7'-6" (see revised Floor Plans and East Elevation). The applicant notes that this allows the elevation to be more articulated.

Reflecting the relocation of the community room to the rear of the building and associated changes on the first floor of the building, the applicant is proposing to change the window system at the ground floor along all four facades of the building (see revised Floor Plans and Building Elevations).

Lastly, there are other minor adjustments to windows locations and configurations throughout the building, including bedroom windows. The applicant notes that "bedroom windows have been reduce in size to give a more uniform perception from the exterior elevations."

7. **Articulate Front Wall on Fifth Floor:** In the previous approval, the front wall at the 5<sup>th</sup> floor did not have much articulation, but was stepped back 10'-0" from the lower floors. The applicant is proposing to articulate this wall by pushing it back an additional 3'-0" to 7'-6" to reduce the overall mass of the front elevation of the building (see revised 5<sup>th</sup> Floor Plan and Building Elevations).
8. **Relocate Roof Deck to Fifth Floor:** The previously approved 247 SF roof deck, located towards the rear of the building, has been relocated to the 5<sup>th</sup> floor at the front of the building (see revised Roof Plan and 5<sup>th</sup> Floor Plan). In addition, one of two previously approved rooftop stair enclosures has been eliminated (see revised Roof Plan and Building Elevations).
9. **Request for Side Setback Variance for Architectural Screen Wall:** In the previous approval the architectural screen wall, located above the driveway to the underground garage, did not require a Variance because the portion of the wall that extended more than 30 inches above grade was set back 7'-0" to comply with the minimum side setback requirement.

With this application, the applicant is requesting approval of a Side Setback Variance for the architectural screen wall along the left side property line above the driveway to the underground garage (3'-0" proposed where 7'-0" is the minimum required). The screen wall is 1'-0" thick and 13'-0" tall and is set back 46'-0" from the front property line at its closest point. The applicant is proposing to move the screen wall closer to the property line (3'-0" away from the left side property line), citing the required widening of the driveway, consistency with the style of the building, and privacy for the manager's office and outdoor patio as mitigations for the Side Setback Variance (see attached Variance Application).

**Project Description (includes proposed revisions):** The property at 1128 Douglas Avenue currently contains a two-story single family dwelling at the front of the site and a two-story four-unit apartment building at the rear of the site. The property at 1132 Douglas Avenue currently contains a two-story single family dwelling at the front of the site and a detached one-car garage at the rear of the site. 1128 and 1132 Douglas Avenue are two independent lots owned by the same property owner. The site is surrounded by single family and multifamily residential buildings.

The project includes construction of a new, five-story, 27-unit residential apartment building with below-grade parking at 1128-1132 Douglas Avenue, zoned R-4. The project consists of demolishing the existing house and detached garage at 1132 Douglas Avenue and demolishing the existing four-unit apartment building at 1128 Douglas Avenue. The rear portion of the existing single family dwelling at 1128 Douglas Avenue will also be demolished, however the front half of the house will be relocated to 524 Oak Grove Avenue. This includes a first and second story addition to the house moved from 1128 Douglas Avenue and construction of a new detached garage.

The following applications are requested based on the proposed revisions to the project:

- Amendment to Design Review for a previously approved five-story, 27-unit apartment building with below-grade parking (C.S. 25.29.045 and Chapter 5 of the Downtown Specific Plan); and
- Side Setback Variance for an architectural screen wall along the left side property line above the driveway to the underground garage (3'-0" proposed where 7'-0" is the minimum required) (C.S. 25.29.075 (d)).

*The following applications were previously approved by the City Council on June 5, 2018:*

- *Design Review for construction of a new five-story, 27-unit apartment building with at-grade and below-grade parking (C.S. 25.29.045 and Chapter 5 of the Downtown Specific Plan);*
- *Conditional Use Permit for building height (56'-10" proposed where a Conditional Use Permit is required if the building exceeds 35'-0" in height; 75'-0" is the maximum allowed) (C.S. 25.29.060);*
- *Front Setback Landscape Variance (40% front setback landscaping proposed where 60% is the minimum required) (C.S. 25.29.100);*
- *Parking Variance for driveway width (9'-0" width proposed for the driveway along the north property line where 12'-0" is the minimum required) (C.S. 25.70.025 (b) (2)); and*
- *Tentative Parcel Map for Lot Combination to combine 52 feet of portion of Lot 3, Block 5 (1128 Douglas Avenue) and 50 feet of Lot 3, Block 5 (1132 Douglas Avenue), Burlingame Land Company Map No 2.*

The apartment building contains 27 apartment units in five floors with 33 parking spaces in an underground garage. The project includes 3 studio units, 14 one-bedroom units, 9 two-bedroom units and 1 three-bedroom unit. The average unit size is 948 SF (1,250 SF average maximum unit size permitted). Staff would note that apartment projects are not required to provide common open space or private open spaces, as is required for condominium developments. However, common spaces for residents and visitors are provided in a community room, fitness room, in balconies on the second through fifth floors and in an outdoor living area at the rear of the site. In addition, private balconies are

provided for some of the units located at the front corners of the building and along the front of the building on the fifth floor.

**Design Review:** The proposed revisions to the project require an application for an Amendment to Design Review and is subject to Chapter 5 of the Downtown Specific Plan, specifically Section 5.3 (pages 5-17 through 5-21) which provides design guidelines for residential areas within the Downtown Specific Plan area. With this application, there are no changes to the materials on the exterior of the building, which included stucco, horizontal wood and concrete siding, balconies with wood railings, aluminum windows and doors, and powder coated steel awnings above some of the windows.

There is no change proposed to the overall height of the building, which was approved at 56'-10" above average top of curb level where 75'-0" is the maximum allowed (as measured to top of parapet). A Conditional Use Permit was previously granted to exceed 35'-0" in building height.

**Off-Street Parking:** Based on the number of bedrooms per unit, the Zoning Code requires a total of 33 off-street parking spaces for the residents of the units (1 space for each studio and one-bedroom unit, 1.5 spaces for each two-bedroom unit and 2 spaces for each unit containing three or more bedrooms). The project includes 33 parking spaces in an underground garage (33 spaces minimum required). Access to the garage is provided by an 18'-0" wide driveway located at the south end of the lot.

With the exception of two disabled-accessible spaces and one standard space, the parking in the garage will be accommodated by a vehicle lift system, specifically single car and puzzle stackers by Klaus Multiparking (Singlevario and Trendvario Models). These systems are able to accommodate passenger cars and medium size SUVs (see specifications provided on the revised plans, sheets A8.1 and A8.2). The single stacker lifts will be assigned to the two-bedroom units, while the puzzle stackers will be assigned to the studio, one-bedroom and three-bedroom units.

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

An area for on-site deliveries is not required for apartment buildings and there is no guest parking required on-site for properties located within the Downtown Specific Plan area. However, a 10'-6" wide circular driveway at the front of the site provides an area for short term parking/small vehicle deliveries.

**Landscaping:** Landscaping throughout the site is shown on the Landscape and Irrigation Plans (sheets L1.1 and L1.2). The circular driveway at the front of the site reduced the landscaping within the front setback to 40% where 60% is required. A Front Setback Landscape Variance was previously granted for 40% landscaping within the front setback. With this application, there is no change in the amount of landscaping within the front setback.

An arborist report, dated August 8, 2014, was prepared by Mayne Tree Expert Company, which evaluates existing trees on the site greater than 12 inches in diameter and provides tree protection specifications (see attached). Several smaller trees are also proposed to be removed; however they were not evaluated since they do not qualify as a protected size tree.

The proposed project includes removing three protected size trees, including a 20-inch diameter Chinese Tallow tree at the front of the site, an 18.1-inch diameter Liquid Amber tree along the right side property line, and a 16.3-inch diameter Apple tree along the left side property line. A tree removal permit to remove these trees was issued by the Parks Division in January 2015 contingent upon 1) the building and landscape plans being approved by the City (building permit issued for construction) and 2) that the trees would fall within the footprint of the proposed project. Several other trees on the project site are also proposed to be removed; however they are not of a protected size.

For the previous approval, a slight adjustment was made to the configuration of the below-grade garage and stairway to the garage so that the existing 21.2-inch diameter Cottonwood tree and two non-protected size trees at the rear of the site can be retained.

The existing Redwood tree (39-inch diameter) and Coast Live Oak tree (27.6-inch diameter), located at the front left corner of the lot, will remain and will need to be protected during construction as outlined in Mayne Tree Company's arborist report. In addition, the City Arborist notes in his memo dated December 4, 2014 that the Tree Protection Zone must be in place and confirmed by the City Arborist prior to construction and that the excavation around these trees may only be done by hand and instructed by an independent arborist report.

There are four street trees in front of the subject property, including three small Purple Leaf Plums and an 18-inch diameter Sycamore Maple tree. The three Purple Leaf Plum trees will need to be removed during construction, but will be replaced with three new street trees after construction, with a species recommended by the City Arborist. The existing Sycamore Maple tree will remain and will be protected during construction.

In accordance with the City's requirements, each lot developed with a multifamily residential use is required to provide a minimum of one 24-inch box-size minimum non-fruit trees for every 2000 SF of lot coverage. Based on the proposed project, a total of eight landscape trees are required on site. The proposed landscape plan for the project complies with the on-site reforestation requirements. There will be a total of eight trees on site, including an existing Redwood tree and Coast Live Oak tree at the front corner of the lot, an existing Cottonwood tree and two non-protected size trees at the rear of the site, and three new 24-inch box size Japanese Maple trees (one at the front and two along the left side property line).

*This space intentionally left blank.*

**1128-1132 Douglas Avenue**

Lot Area: 15,492 SF

Plans date stamped: September 13, 2018

	PREVIOUSLY APPROVED	PROPOSED	ALLOWED/REQUIRED
<b>Front (1<sup>st</sup> flr):</b>	20'-0"	no change	19'-11" (block average)
<b>(2<sup>nd</sup> flr):</b>	20'-0"	no change	
<b>(3<sup>rd</sup> flr):</b>	20'-0"	no change	
<b>(4<sup>th</sup> flr):</b>	20'-0"	no change	
<b>(5<sup>th</sup> flr):</b>	20'-5" to balcony 29' to building	20'-5" to balcony 32'-6" to building	
<b>Left Side (1<sup>st</sup> flr):</b>	7'-0" to screen wall	3'-0" to screen wall <sup>1</sup>	7'-0"
<b>(2<sup>nd</sup> flr):</b>	11'-0"	no change	8'-0"
<b>(3<sup>rd</sup> flr):</b>	11'-0"	no change	9'-0"
<b>(4<sup>th</sup> flr):</b>	11'-0"	no change	10'-0"
<b>(5<sup>th</sup> flr):</b>	11'-0"	no change	11'-0"
<b>Right Side (1<sup>st</sup> flr):</b>	11'-0"	no change	7'-0"
<b>(2<sup>nd</sup> flr):</b>	11'-0"	no change	8'-0"
<b>(3<sup>rd</sup> flr):</b>	11'-0"	no change	9'-0"
<b>(4<sup>th</sup> flr):</b>	11'-0"	no change	10'-0"
<b>(5<sup>th</sup> flr):</b>	11'-0"	no change	11'-0"
<b>Rear (1<sup>st</sup> flr):</b>	20'-5"	20'-0"	20'-0"
<b>(2<sup>nd</sup> flr):</b>	20'-0"	20'-0"	20'-0"
<b>(3<sup>rd</sup> flr):</b>	20'-0"	20'-0"	20'-0"
<b>(4<sup>th</sup> flr):</b>	20'-0"	20'-0"	20'-0"
<b>(5<sup>th</sup> flr):</b>	20'-0"	20'-0"	20'-0"
<b>Lot Coverage:</b>	7722 SF 49.8%	7678 SF 49.6%	7746 SF 50%
<b>Building Height:</b>	56'-10" <sup>2</sup>	no change	75'-0"/CUP required to exceed 35'-0"
<b>Off-Street Parking:</b>	34 spaces 80% covered	33 spaces 100% covered	33 spaces 80% covered
<b>Driveway Width:</b>	9'-0" for driveway along north side property line <sup>3</sup>	driveway no longer required	12'-0"
<b>Front Setback Landscaping:</b>	40% <sup>4</sup> 774 SF	40% 774 SF	60% 1171 SF

<sup>1</sup> Side Setback Variance required for screen wall (3'-0" proposed where 7'-0" is required).

<sup>2</sup> Conditional Use Permit previously granted for 56'-10" building height.

<sup>3</sup> Parking Variance previously granted for 9'-0" driveway width for driveway along the north property line.

<sup>4</sup> Front Setback Landscape Variance previously granted for 40% front setback landscaping.

**Affordable (Below-Market Rate) Units:** The application was approved by the City Council with a condition of approval requiring that as a community benefit freely offered by the applicant, the project shall include one one-bedroom unit and one two-bedroom unit set aside for a period of twenty-five (25) years for households with incomes of 110% of the Area Median Income (AMI) for the County of San Mateo.

**Staff Comments:** None.

**Findings for Multiple-Family Residential Design Review:** The criteria for multiple family residential design review is detailed in Code Section 25.57.030 (f) and requires the proposed project to be reviewed by the Planning Commission for the following considerations:

- (1) Compatibility with the existing character of the neighborhood;
- (2) Respect the mass and fine scale of adjacent buildings even when using differing architectural styles;
- (3) Maintain the tradition of architectural diversity, but with human scale regardless of the architectural style used; and
- (4) Incorporate quality materials and thoughtful design which will last into the future.

**Suggested Findings for Design Review:** Based on the following reasons, the project may be found to be compatible with the requirements of the City's four design review criteria.

- *Compatibility with the existing character of the neighborhood*, in that the project is consistent with existing buildings on the block characterized by simple massing, flat walls and roofs, and repetitive fenestration; the project mediates between existing two-, three- and four-story buildings in the area to create a continuous residential neighborhood, is well articulated and landscaped, and embraces the street and the pedestrian realm;
- *Respect the mass and fine scale of adjacent buildings even when using different architectural styles*, in that the design exhibits thoughtful massing, character and pedestrian scale, successfully creates a good transition between the existing two-, three- and four-story buildings in the neighborhood, and contains a four-story façade at the front of the building (fifth floor is setback 13 to 17.5 feet);
- *Maintain the tradition of architectural diversity, but with human scale regardless of the architectural style used*, in that the architectural style blends traditional and contemporary design elements to be compatible with adjacent neighborhoods and the City as a whole, and that human scale is provided at the street level consisting of a front entry element, a pedestrian walk, and on the upper levels individual balconies providing residential scale and character; and
- *Incorporate quality materials and thoughtful design which will last into the future*, in that the exterior building materials include stucco, horizontal wood and concrete siding, balconies with wood railings and a wood base trim, aluminum windows and doors to be inset five inches, powder coated steel awnings above some of the windows throughout the building, and a decorative architectural screen wall is proposed to the left of the front entry.

**Findings for Side Setback Variance:** In order to grant a Side Setback Variance, the Planning Commission must find that the following conditions exist on the property (Code Section 25.54.020 a-d):

- (a) there are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to property in the same district;
- (b) the granting of the application is necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship;
- (c) the granting of the application 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; and
- (d) that the use of the property will be compatible with the aesthetics, mass, bulk and character of existing and potential uses of properties in the general vicinity.

**Suggested Findings for Side Setback Variance:** Based on the following reasons, the project may be found to be compatible with the required Variance criteria.

- There is an exceptional or extraordinary circumstance in that the previously approved use of the driveway along the north side of the property, and its access to at-grade parking at the rear of the site, is no longer feasible, and therefore the required parking must be provided in the underground garage; the driveway to the underground garage must be widened from 12 to 18 feet as required by code because it provides access to a parking area with more than 30 vehicles, and as a result the screen wall above the driveway entrance moves closer to the property line and within the required setback.
- Granting of the application is necessary for the preservation and enjoyment of a substantial property right because it provides privacy for the manager's office and outdoor patio beyond the screen wall.
- Granting of the application 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 because the screen wall facing the neighboring property, 12 inches thick and located within the required setback, is not a broad building façade that would otherwise intrude on the neighbor.
- That the screen wall will be compatible with the aesthetics, mass, bulk and character of existing and potential uses of properties in the general vicinity because its design as an architectural fin wall element supports the contemporary style of the building and is important for the ground level scale.

**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 within the Addendum to EIR prepared for the project. Action should include specific findings supporting the Planning Commission's decision, and should be affirmed by resolution, including the conditions representing mitigation measures taken from the Environmental Impact Report (in italics) and any conditions from the staff report and/or that the commissioners may add. The reasons for any action should be clearly stated 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 September 13, 2018, sheets A0.0 through A5.1B, A8.1, A8.2, C1, AR1.0, L1.1 and L1.2;

2. that as a community benefit freely offered by the applicant, the project shall include one one-bedroom unit and one two-bedroom unit set aside for a period of twenty-five (25) years for households with incomes of 110% of the Area Median Income (AMI) for the County of san Mateo. The City Manager shall be authorized to execute an agreement memorializing this provision;
3. that prior to issuance of a building permit for construction of the project, the project construction plans shall be modified to include a cover sheet listing all conditions of approval adopted by the Planning Commission, or City Council on appeal; which shall remain a part of all sets of approved plans throughout the construction process. Compliance with all conditions of approval is required; the conditions of approval shall not be modified or changed without the approval of the Planning Commission, or City Council on appeal;
4. that the maximum elevation to the top of the parapet and roof shall not exceed elevation 81.00' and 79.17', respectively, as measured from the average elevation at the top of the curb along Douglas Avenue (24.20') for a maximum height of 56'-10" to the top of the parapet; the garage floor finished floor elevation shall be elevation 11.00'; 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;
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 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 \$58,138.50, made payable to the City of Burlingame and submitted to the Planning Division;
7. 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 \$58,138.50, made payable to the City of Burlingame and submitted to the Planning Division;
8. that if a security gate system across the driveway is installed in the future, the gate shall be installed a minimum 20'-0' back from the front property line; the security gate system shall include an intercom system connected to each dwelling which allows residents to communicate with guests and to provide guest access to the parking area by pushing a button inside their units;
9. 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;
10. 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;
11. that all construction shall abide by the construction hours established in the municipal code;

12. 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;
13. that storage of construction materials and equipment on the street or in the public right-of-way shall be prohibited;
14. 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;
15. 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;
16. 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;
17. 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;
18. 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;
19. that project approvals shall be conditioned upon installation of an emergency generator to power the sump pump system; and the sump pump shall be redundant in all mechanical and electrical aspects (i.e., dual pumps, controls, level sensors, etc.). Emergency generators shall be housed so that they meet the City's noise requirement;
20. 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;
21. 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;
22. that the applicant shall comply with Ordinance 1503, the City of Burlingame Storm Water Management and Discharge Control Ordinance;

23. that the project shall meet all the requirements of the California Building and Uniform Fire Codes, 2016 Edition, as amended by the City of Burlingame;
24. that this project shall comply with Ordinance No. 1477, Exterior Illumination Ordinance;
25. that directional signage shall be placed on the property to promote use of the circular driveway at the front of the property for pick-ups and deliveries;
26. that the landscape planter at the northeasterly portion of the building, adjacent to the driveway shall be reduced in depth in order to permit widening of the driveway within that area;

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

27. that prior to scheduling the foundation inspection a licensed surveyor shall locate the property corners, set the building envelope;
28. that prior to scheduling the framing inspection, the project architect, engineer or other licensed professional shall provide architectural certification that the architectural details such as window locations and bays are built as shown on the approved plans; if there is no licensed professional involved in the project, the property owner or contractor shall provide the certification under penalty of perjury. Certifications shall be submitted to the Building Division;
29. 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;
30. that prior to final inspection, Planning Division staff will inspect and note compliance of the architectural details (trim materials, window type, etc.) to verify that the project has been built according to the approved Planning and Building plans;

**Mitigation Measures from Environmental Impact Report:**

**Aesthetics**

31. *MM AES-1: Design Review of the Proposed Project: The applicant shall submit revised plans for the proposed building at 1128-1132 Douglas Avenue to the City of Burlingame for design review. The Planning Commission as the responsible body for design review shall review the proposed project for compatibility with the City's guidelines for a residential apartment building in the Downtown Specific Plan R-4 Base District.*
32. *MM AES-2: Exterior Lighting Plan: Prior to issuance of a building permit, a detailed Exterior Lighting Plan shall be provided. The lighting plan shall utilize the following standards:*
  - a) *Control stray light through use of low-brightness fixtures with optical controls.*
  - b) *Fully block all exterior light sources from off-site views.*
  - c) *Do not permit any uplighting from any outdoor light fixture.*

- d) *Employ on-demand exterior lighting systems where feasible. Area lighting and security lighting shall be controlled by the use of timed switches and/or motion detectors.*
  - e) *Use tinted windows in all buildings to reduce glare from interior lights.*
33. *MM AES-3: Use of Non-reflective Exterior Paint: Flat, non-reflective paint or integrated coloring shall be used in all exterior building materials throughout the project.*

### **Air Quality**

34. *MM AIR-1: Construction Equipment Emissions Reduction: The construction contractor shall implement the BAAQMD Enhanced Exhaust Emissions Reduction Measures for Project Construction Equipment measure that requires project off-road equipment greater than 25 horsepower (hp) that operates for more than 20 total hours over the entire duration of construction activities to meet the following requirements:*
- a) *All backhoes engines shall meet CARB Tier 4 off-road emission standards.*
  - b) *All other equipment engines shall meet or exceed CARB Tier 3 off-road emission standards or be retrofitted with a CARB Level 2 diesel particulate filter (DPF).*
35. *MM AIR-2: Air Filtration: A standard house heating, ventilation, and air conditioning (HVAC) system with a permanent filter of a minimum efficiency reporting value (MERV) of 13 or greater shall be installed at the relocated residence at 524 Oak Grove Avenue. The MERV13 filter shall provide one air exchange per hour if the air source is outside/unfiltered air or four air exchanges per hour if the air source is inside/recirculated air to provide an 80 percent or greater reduction of outdoor fine particulate matter (including DPM).*

### **Biological Resources**

36. *MM BIO-1: Pre-construction Bat Surveys The applicant shall implement the following measures during demolition of structures and tree removal or tree pruning.*

*Structures. Before demolition of existing structures, a qualified bat specialist shall conduct a day time search for potential roosting habitat and evening emergence surveys to determine if the structure is being used as a roost. Biologists conducting surveys for roost sites shall use naked eye, binoculars, and a high power spotlight to inspect buildings features that could house bats. The surfaces of the structure and the ground around the structure shall be surveyed for bat signs, such as guano, staining, and prey remains. Evening (i.e., dusk) emergence surveys shall consist of at least one bat specialist positioned at different vantage points from the structure, watching for emerging bats from a half hour before sunset to 1 to 2 hours after sunset for a minimum of 2 nights within the season that construction will be taking place. Night vision goggles or full spectrum acoustic detectors should be used during emergence surveys to assist in species identification. All emergence surveys shall be conducted during favorable weather conditions (i.e., calm nights with temperatures conducive to bat activity [55° F and above] and no precipitation predicted). If roosting, special-status bats are present, measures developed by the bat specialist shall be implemented, as needed. Measures to protect the bats may include postponing demolition until after the May 1st through October 1st roosting period. Measures may include monitoring roosting to determine if the roost site is a maternal roost by either a visual inspection of the roost bat pups, or monitoring the roost after the adults leave for the night and listening for*

*bat pups. Eviction of a maternal roost cannot occur because bat pups are not mature enough to leave the roost. If a roost is determined not to be a maternal roost, eviction of bats shall be conducted using bat exclusion techniques developed by Bat Conservation International and in consultation with CDFW that allow the bats to exit the roosting site, but prevent re-entry to the site. This work shall be completed by a BCI-recommended exclusion professional. The exclusion of bats shall be timed and carried out concurrently with any scheduled bird exclusion activities. Each roost lost (if any) shall be replaced in consultation with the CDFW and may include construction and installation of BCI-approved bat boxes suitable to the bat species and colony size excluded from the original roosting site. Roost replacement shall be implemented before bats are excluded from the original roost sites. Once the replacement roosts are constructed and it is confirmed that bats are not present in the original roost site, the structures may be removed or sealed.*

*Tree Removal. A qualified bat specialist shall examine trees to be removed or trimmed for suitable bat roosting habitat. High quality habitat features (large tree cavities, basal hollows, loose or peeling bark, larger snags, etc.) shall be identified and the area around these features searched for bats and bat sign (guano, culled insect parts, staining, etc.). The qualified bat specialist shall conduct evening visual emergence surveys of the source habitat feature, from a half hour before sunset to 1 to 2 hours after sunset for a minimum of two nights within the season that construction will be taking place. If it is found that roosting, special-status bats are present, measures developed by the bat specialist shall be implemented, as needed.*

37. *MM BIO-2: Tree Protection Measures: Tree protection specifications were developed by Mayne Tree Expert Company Inc. for the protected trees surveyed at the Douglas Avenue and Oak Grove Avenue project sites. The applicant shall implement the following tree protection measures developed by Mayne Tree Expert Company Inc. and approved by the Arborist for protected trees. The Mayne Tree Expert Company Inc. reports shall be included on the demolition and construction plans of the project.*

*Mulching. A 6-inch layer of coarse mulch woodchips shall be placed beneath the dripline of protected trees. Mulch is to be kept 12 inches from the trunk.*

*Protective Barrier. A protective barrier or 6-foot chain link fence shall be installed around the dripline of protected trees. The fencing can be moved within the dripline if authorized by the Project Arborist or the City Arborist, but no closer than 2 feet from the trunk of any tree. Fence posts shall be 1.5 inches in diameter and are to be driven 2 feet into the ground. The distance between posts shall not be more than 10 feet. This enclosed area is the Tree Protection Zone (TPZ). Moveable barriers or chain link fencing secured to cement blocks can be substituted for "fixed" fencing if the Project Arborist and City Arborist agree that the fencing would have to be moved to accommodate certain phases of construction. The applicant may not move the fence without authorization from the Project Arborist or City Arborist.*

*Construction Restrictions. During construction, the following restrictions shall be implemented:*

- a) Runoff or spillage of damaging materials to the area below any tree canopy shall not be allowed.*
- b) Storing materials, stockpiling soils, or parking/driving vehicles within the TPZ is not allowed.*

- c) *Cutting, breaking, skinning, or bruising roots, branches, or trunks of protected trees is prohibited without first obtaining authorization from the City Arborist.*
- d) *Fires shall not be allowed under and adjacent to trees.*
- e) *Discharging exhaust into foliage shall be prohibited.*
- f) *Securing cables, chains, or ropes to trees or shrubs is prohibited.*
- g) *Trenching, digging, or excavating within the dripline of the TPZ of trees is prohibited without first obtaining authorization from the City Arborist.*
- h) *Applying soils sterilants under pavement near existing trees is prohibited.*
- i) *Machine trenching is prohibited within the driplines of trees, only excavation by hand or compressed air is allowed.*

*Avoiding injury to roots. When a ditching machine, which is being used outside of the dripline of trees, encounters roots smaller than 2 inches, the wall of the trench adjacent to the street shall be hand trimmed, making clear, clean cuts through the roots. All damaged, torn, and cut roots shall be given a clean cut to remove ragged edges, which promote decay. Trenches shall be filled within 24 hours, but, where, this is not possible, the side of the trench adjacent to the trees shall be shaded with four layers of dampened, untreated burlap, wetted as frequently as necessary to keep the burlap wet. Roots 2 inches or larger, when encountered, shall be reported immediately to the Project Arborist, who will decide whether the applicant may cut the roots as mentioned above or shall excavate by hand or with compressed air under the root. The root is to be protected with dampened burlap. In addition, the top 2 feet of the foundation closest to trees shall be air spaded or hand dug under supervision of a licensed arborist to locate and evaluate any significant roots prior to mechanical excavation. The licensed arborist shall be required to submit a report to the City regarding the findings of the excavation and recommend any additional actions needed to protect the roots to preserve the health and structure of both the redwood and oak trees.*

*Routing pipes. To avoid conflict with routes, pipes shall be routed outside of an area, ten times the diameter of a protected tree. In addition, where it is not possible to reroute pipes or trenches, the applicant shall bore beneath the dripline of the tree. The boring shall take place not less than 3 feet below the surface of the soil in order to avoid encountering feeder roots.*

*Reporting. The City Arborist, or his designee, shall be present when any digging occurs in the vicinity of the narrowest portion of the proposed shared driveway in the vicinity of the root ball of the adjacent protected tree to ensure that all appropriate measures are taken to protect the tree roots. If a protected tree is damaged, the applicant shall follow any remedial actions deemed necessary by the City Arborist, such as planting additional trees, consistent with Chapter 11.06.090.*

### **Cultural Resources**

38. *MM CUL-1: Compatible Cladding for Historic House: New construction on the relocated historic house shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, to protect the integrity of the property and its environment consistent with the Secretary of Interior's standards for rehabilitation. The choice of materials shall be submitted to the City for approval as part of the design review process.*

### **Geology and Soils**

39. *MM GEO-1: Implementation of Geotechnical Recommendations: The Applicant and their contractors shall implement the measures outlined and recommended in the Geotechnical Investigation Report Chapters 5 through 10 for the proposed construction at 1128-1132 Douglas Avenue.*

### **Hazards and Hazardous Materials**

40. *MM HAZ-1: Preparation of a Site-specific Spill Prevention, Control and Countermeasure Plan: The applicant shall prepare a site-specific Spill Prevention, Control, and Countermeasure (SPCC) Plan that will identify spill prevention and response measures and Best Management Practices (BMPs). The plan will emphasize site specific physical conditions to improve hazard prevention (e.g., identification of flow paths to nearest drains) and reduce effects of accidental spills if they occur. The Applicant shall designate a representative to ensure that all hazardous materials and safety plans are followed throughout the construction period. BMPs identified in SPCC Plan shall be implemented during project construction to minimize the risk of an accidental release and to provide the necessary information for emergency response. A copy of the project SPCC shall be submitted to the City for approval at least 30 days prior to construction. All construction personnel shall be required to attend SPCC training prior to conducting any work on the project site.*
41. *MM HAZ-2: Soils Test: Prior to construction, the applicant shall evaluate shallow soils at the structure locations for the possible presence of lead and pesticides. If lead or pesticides are found within the tested soils, the applicant shall dispose of the soils, consistent with federal, state and local laws regarding disposal of hazardous materials.*

### **Hydrology and Water Quality**

42. *MM HAZ-3: Project-specific Emergency Access Plan: The Applicant shall develop and implement a Project specific Emergency Access Plan. The applicant shall submit the plan to the City and all emergency services within the city, including the fire department and police department, at least 30 days prior to construction. The Emergency Access Plan shall require provisions for the:*
- a) *Implementation of standard safety practices, including installation of appropriate barriers between work zones and transportation facilities, placement of appropriate signage, and use of traffic control devices.*
  - b) *Use of flaggers and/or signage to guide vehicles through or around construction zones using proper techniques for construction activities, including staging yard entrance and exit.*
  - c) *Traffic detours for any road or lane closures with appropriate signage marking the detours.*

- d) *Timing of worker commutes and material deliveries to avoid peak commuting hours.*
- e) *Timing of lane and road closures.*
- f) *Plans for construction worker parking and transportation to work sites.*
- g) *Methods for keeping roadways clean.*
- h) *Storage of all equipment and materials in designated work areas in a manner that minimizes traffic obstructions and maximizes traffic sign visibility.*
- i) *Limiting vehicles to safe speed levels according to posted speed limits, road conditions, and weather conditions.*
- j) *Coordination with public transit providers.*
- k) *Repair of asphalt and other road damage (e.g., curb and gutter damage, rutting in unpaved roads) caused by construction vehicles.*
- l) *Detours for cyclists and pedestrians when bike lanes or sidewalks must be closed.*

*The Emergency Access Plan must at a minimum comply with the requirements of the City and must be submitted to the City for approval prior to commencing construction activities.*

### **Hydrology and Water Quality**

43. *MM HYDRO-1: Stormwater Pollution Prevention Best Management Practices: The applicant will implement the following best management practices during construction of the proposed project:*
- a) *Preserve existing vegetation where feasible.*
  - b) *Limit disturbance to the work site.*
  - c) *Install silt fences around the perimeter of the project site.*

### **Noise**

44. *MM NOISE-1: Prepare a Relocation Plan and Obtain Approval from the City for Historic House Relocation Outside of Permitted Construction Hours: The Applicant shall prepare a Relocation Plan and obtain approval from the City under Municipal Code Section 18.07.110 for historic house relocation. The Relocation Plan shall include:*
1. *Exact procedure for cutting and dismantling the historic house, and loading on trucks.*
  2. *Specific routes for movement of the historic house from its existing location to 524 Oak Grove Avenue.*
  3. *Exact procedure for setting the house in its new location.*

4. *Estimated duration for the various activities involved in the cutting, dismantling, loading, and setting of the House.*
5. *Coordination procedures with utilities, Caltrain, and appropriate City Departments.*
6. *Advance Notice to residents at each project site and along the route regarding the start and duration of power interruption.*
7. *Measures to reduce impacts of power outage on residents such as:*
  - a) *Power interruption phasing to reduce amount of time houses are affected.*
  - b) *Offering affected parties dry ice for freezers and refrigerators.*
  - c) *Offering generators for life support equipment.*
  - d) *Security lighting.*

*Approval from the City for relocating the historic house outside of permitted construction hours would be contingent on abiding by all the best management practices required under Condition of Approval 19, and the measures included in the Noise Management Plan for the project.*

45. *MM NOISE-2: Compliance with Title 24: Prior to issuance of a building permit, a qualified acoustical consultant shall review the final building plans to calculate expected interior noise levels. The building permit shall not be issued until the qualified acoustical consultant has reviewed the acoustical test report of all sound rated windows and doors and confirmed that the proposed building treatments will adequately reduce interior noise levels to 45 dBA or below.*
46. *MM NOISE-3: Noise Management Plan: The applicant shall prepare a noise management plan that includes:*
  - a. *Identified routes for movement of construction-related vehicles and equipment developed in conjunction with the Burlingame Community Development Department so that noise-sensitive areas, including residences and schools, are avoided as much as possible.*
  - b. *A designated "Community Liaison" for construction activities. The Community Liaison would be responsible for responding to any local complaints regarding construction noise and vibration. The Community Liaison would determine the cause of the noise or vibration complaint and would implement reasonable measures to correct the problem.*
  - c. *Sending advance notice to neighborhood residents within 50 feet of the project site regarding the construction schedule and including the phone number for the disturbance coordinator. A notice with the name and phone number of the Community Liaison shall be posted at the project site.*

*In the event that construction noise complaints are not resolved by scheduling, the applicant shall install temporary sound absorption barriers, such as noise control blankets, in addition to the standard noise barriers around the construction site required under Condition of Approval 19, best management practices. These additional barriers would be specifically designed for exterior use and would reduce the noise level beyond the fence line by at least 3 dBA.*

*If noise complaints continue, the applicant shall install a temporary sound absorption barrier that would reduce the noise level beyond the fence line an additional 2 dBA, for a total noise reduction of 5 dBA beyond the fence line.*

### **Transportation and Traffic**

47. *MM TRAFFIC-1: 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.*
48. *MM TRAFFIC-2: Driveway Safety Enhancements: The project applicant and its construction contractor(s) shall implement the following safety enhancements:*
- a. Flashing light sensors shall be placed within the project parking garage and rear surface parking areas to alert motorists outbound from the project parking areas that vehicles are inbound from Douglas Avenue (these could be video or loop detected);*
  - b. Signs shall be placed at the proposed project's Douglas Avenue entrances that indicate: "Caution—Watch For Outbound Vehicles"; and*
  - c. The project design shall be modified to allow for 12-foot access on the eastern-most driveway, except as necessary to avoid impact to the two significant trees. Toward the rear of the lot, that would require either loss of landscaping, further setback for the building (at least on the first floor), and/or loss of a parking space.*

Ruben Hurin  
Planning Manager

- c. Dreiling Terrones Architecture Inc., applicant and architect  
Zers Douglas LLC, property owner

Attachments:

Application to the Planning Commission  
Applicant's Explanation Letter, dated May 18, 2018  
Variance Application for Side Setback  
June 5, 2017 City Council Minutes  
Downtown Specific Plan Applicable Design Guidelines, Section 5.3  
Arborist Report, prepared by Mayne Tree Expert Company, Inc., dated August 8, 2014  
Planning Commission Resolutions (Proposed)  
Notice of Public Hearing – Mailed September 14, 2018  
Area Map

Submitted Separately:

Addendum to Environmental Impact Report, dated September 2018  
Final Environmental Impact Report (Draft EIR and Response to Comments)