



**PROJECT LOCATION**  
160 Lorton Avenue (Parking Lot N)

# City of Burlingame

*Design Review and Lot Merger for a New Five-Level Parking Garage*

**Item No. 8h**  
**Regular Action Item**

**Address:** 160 Lorton Avenue (Parking Lot N)

**Meeting Date:** December 10, 2018

**Request:** Application for Design Review and Lot Merger for construction of a new five-level parking garage.

**Applicant:** Chris Grant, The Pacific Companies

**APN:** 029-231-060 and 029-231-240

**Property Owner:** City of Burlingame

**Lot Area:** 33,750 SF

**Architect:** Pacific West Architecture

**General Plan:** R-4 Incentive District

**Zoning:** R-4 Incentive District Subarea

**Adjacent Development:** Multifamily Residential and Commercial Uses

**Current Use:** Public Parking Lot (Lot N) with 109 stalls

**Proposed Use:** Five-level parking garage providing 388 stalls.

**Allowable Use:** Multifamily, duplex, single family residential uses and public buildings.

**Environmental Review:** Section 15332 of the California Environmental Quality Act (CEQA) Guidelines is intended to promote in-fill development within urbanized areas. This class consists of in-fill projects which are consistent with local general plan and zoning requirements. This class is not intended to be applied to projects which would result in significant impacts on endangered, rare, or threatened species, traffic, noise, air quality, water quality, utilities, and public services. Application of this exemption, as all categorical exemptions, is limited by the exceptions described in Section 15300.2 of the CEQA Guidelines. Section 15332 states:

- (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.

On the basis of the evidence provided in the analysis, it was determined the project is eligible for a Class 32 categorical exemption, in accordance with Section 15332, Infill Development Projects, of the CEQA Guidelines (see attached CEQA Class 32 Infill Exemption prepared by ICF, dated December 2018). Based on City of Burlingame threshold criteria, no additional substantial adverse impacts beyond those discussed in the analysis are anticipated. Because the project meets the criteria for categorically exempt infill development projects, and because it would not have a significant effect on the environment, this analysis finds that a Notice of Exemption may be prepared for the Project. No further review is needed.

**Background:** In 2010 the Burlingame City Council adopted the *Burlingame Downtown Specific Plan*. The culmination of a multi-year community planning process, the Plan provides a framework for sustaining the existing success of the downtown and accommodating new opportunities.

One aspect of the Downtown Specific Plan is a focus on better use of parking facilities downtown, particularly the twenty City-owned surface parking lots. The plan encourages parking lots to be converted to different uses over time, such as housing, open space, and additional parking. Choices about uses are guided by what will most benefit the downtown area.

Consistent with the *Downtown Specific Plan*, the City Council has expressed an interest in expanding the housing options available in Burlingame, including the provision of more affordable housing options, a category of housing that is minimally represented amongst the existing housing stock within the community.

Likewise, as parking is important to Downtown businesses and residents alike, the City Council has been evaluating options for improving parking in the downtown area. This includes accommodating demand by using the land more efficiently with decked or structured parking.

The proposed development of Parking Lots F and N is intended to respond to the following objectives with:

- new housing units to support the community, including housing for seniors and for people working in the community;
- additional, conveniently-located parking for use by downtown businesses and residents alike;
- additional open space to be enjoyed by both current and new residents.

For more general information about the proposed project and affordable housing, please refer to the attached "Village at Burlingame Frequently Asked Questions" prepared by staff and the developer.

Although the purpose of the design review action meeting is only to review and discuss the proposed design of the project, staff thought it would be helpful to include this background information so that the Planning Commission has a full understanding of the context of the proposed project.

**Project Summary:** In December 2014 the City of Burlingame distributed a Request for Proposals (RFP) seeking qualified developers interested in partnering with the City to develop City-owned Parking Lots F & N with affordable housing. One requirement of the RFP was that the development should not only replace the existing spaces on the two parking lots, but also to the extent possible expand the amount of public parking for the benefit of the downtown business district. The City Council's Downtown Specific Plan Implementation Subcommittee reviewed the proposals and provided recommendations for the City Council to consider. After several public hearings, the City Council selected The Pacific Companies as its preferred developer at its regular meeting of July 6, 2015. Since that time, the developer has been doing preliminary work on the project including financing, site conditions reconnaissance, and design development.

The project site consists of merging a portion of Lot 7 and Lots 8, 9, 14 and 15 of Block 10, which combined will extend from Lorton Avenue to Highland Avenue (see attached aerial). These lots are currently owned by the City of Burlingame and contain Parking Lot N, a public parking lot with 109 stalls. The project site has 100 feet of frontage on Lorton Avenue and 125 feet of frontage on Highland Avenue and is zoned R-4 and located within the R-4 Incentive District Subarea.

The site is bordered by two-story commercial buildings to the north along Howard Avenue, a two-story multifamily residential building and private parking lot to the south, two-story multifamily residential buildings and Parking Lot F to the west across the street on Lorton Avenue, and a gasoline station and automotive repair buildings to the east along Highland Avenue.

The proposed project consists of demolishing the existing public parking lot (Parking Lot N) and constructing a new five-level above-grade parking garage. The proposed parking garage would provide a total 368 parking stalls, including 97 parking stalls that would be displaced by the proposed affordable housing development on Lot F, 109 parking stalls currently located on Lot N and 162 new parking stalls. The garage will contain four levels of covered parking with the fifth level being open to the sky. The proposed parking garage has been designed to allow vehicles to enter and exit on both Lorton Avenue and Highland Avenue by way of one driveway entrance on each street.

Code Section 25.29.020 (a) of the R-4 District Regulations allows all uses permitted in the R-1, R-2 and R-3 Districts. In the R-1 District, public buildings are permitted under Code Section 25.26.020 (b)). A public parking garage is considered to be a public building.

The proposed parking garage measures 48'-0" in height, where 55'-0" is allowed by right in the R-4 Incentive District Subarea. As noted above, the fifth level is open to the sky and therefore the building will appear as a four-story building.

The following applications are requested for this project:

- Design Review for construction of a new five-level above ground parking garage (C.S. 25.29.045 and Chapter 5 of the Downtown Specific Plan); and
- Lot Merger to combine a portion of Lot 7 and Lots 8, 9, 14 and 15 of Block 10, Town of Burlingame Map No. 1 Subdivision into one lot.

**Design Review Study Meeting:** At the Planning Commission Design Review Study meeting on February 26, 2018, the Commission reviewed the proposed parking garage and provided feedback on its design, expressing concerns with the facades and mass/bulk and suggesting that the design be lighter and simpler (see attached February 26, 2018 Planning Commission Minutes). At that time, the plans provided a total of 388 parking spaces in the parking garage. Please refer to the attached meeting minutes for a complete list of comments/concerns expressed by the Planning Commission.

Subsequently, a subcommittee of the Planning Commission met with the developer and architect to provide further direction and discussion regarding the parking garage design. The design of the structure has since been modified to reflect input from the Planning Commission and subcommittee. The applicant submitted revised plans, date stamped December 5, 2018, to address the Planning Commission's comments and concerns. Please refer to the applicant's letter dated December 6, 2018, for a detailed summary of the changes made to the project and responses to the Planning Commissions concerns and comments.

One of the suggestions from the subcommittee included adding enclosed spaces on the ground floor at the street facades which could be used to display art and/or for bicycle storage. The Public Works Department reviewed conceptual drawings showing the enclosed spaces and expressed strong concerns with regards to vehicle and pedestrian safety, in that the location of the proposed enclosed spaces at both entrances to the garage would create conflicts with sight lines and vehicles maneuvering in and out of the garage. In addition, they expressed concerns with the loss of parking spaces due to the enclosed spaces. The proposed design no longer includes the enclosed ground floor spaces, but provides storefront windows on the Lorton and Highland Avenue facades to break up the massing of the garage at the pedestrian level.

The modifications also include compliance with PG&E overhead utility clearance requirements, which required the parking garage to be pushed backed 5'-8" from the property lines along the Lorton and Highland Avenues (previously set back 1'-3" from property line). Together, these changes have resulted in a decrease of 20 parking spaces, from 388 to 368.

The City Council has been informed and accepted the reduction in the number of parking spaces provided in the garage. However, there should be no design changes suggested at this time that would result in reducing the number of parking spaces any further.

**Design Review:** The proposed project is subject to Chapter 5 of the Downtown Specific Plan (Design & Character). Section 5.2.6 (page 5-16) provides design guidelines specifically for developments on public parking lots. Section 5.4 (pages 5-22 through 5-27) provides more general design guidelines that apply to all areas of the downtown, including residential and mixed use areas. These applicable sections of the Design and Character chapters of the Downtown Specific Plan have been attached for reference.

The materials proposed for the exterior of the parking garage include unfinished concrete walls, architectural screens, and cable and metal panel guardrails on the Lorton Avenue and Highland Avenue facades of the building. Storefront windows are proposed on the ground floor along the street facades with a concrete entry canopy above the vehicles entrances to the garage. The stairway and elevator enclosures are proposed to be enclosed with architectural screens and glazing. Green screen panels are also proposed on the north and south facades of the building that will allow vines to climb up onto the green screens. Please refer to the building elevations on sheets A3.1 through A-3.2A and perspective renderings on sheets A3.3 and A3.4 for additional information.

**Landscaping:** The project site is currently covered primarily by a paved public parking lot, with several small areas of landscaping at the entrance to the parking lot along Lorton Avenue. There are no existing trees on the project site.

There are several existing trees that are located adjacent to the proposed project, including a large Redwood tree and an unknown tree species at the rear of 1115 Howard Avenue. The City Arborist notes that an arborist report will be required to establish tree protection measures during construction, but pointed out that the smaller tree at the rear of 1115 Howard Avenue, located very close to the property line would most likely need to be removed. He also requested that there be standard conditions of approval included in the entitlements such as require hand-digging for the garage foundation, having a qualified arborist on-site during the construction of the foundation, and notifying the City Arborist if roots over a certain size are encountered.

Landscaping is proposed along the south side of the site, which also includes a 10 to 14 foot wide pedestrian walkway connecting Lorton and Highland Avenues (see Landscape Plan on sheet L1). A total of seven 36-inch box Columnar European Hornbeam trees are proposed to be planted in the area portion of the lot nearer to Highland Avenue. In addition to the trees, the pedestrian walkway will consist of decorative paving, benches, a raised planter, groundcover and pervious paving. These elements also are provided to comply with stormwater requirements.

There are three existing street trees along Lorton Avenue and two existing street trees along Highland Avenue in front of the project site. All existing street trees would be removed and replaced with three new 36-inch box street trees along Lorton Avenue and four new 36-inch box street trees along Highland Avenue. The applicant will be working with the Parks Division to select the appropriate street tree species prior to the building permit submittal. The applicant would obtain the required tree removal permits from the Parks and Recreation Director pursuant to the Burlingame Municipal Code Chapter 11.04, Street Trees.

**Lot Merger:** In the R-4 District, the minimum requirement is a 5,000 SF lot with 60 feet of street frontage for lots measuring greater than 10,000 SF in area. The proposed combined lot would have 100 feet of street frontage along Lorton Avenue and 125 feet of street frontage along Highland Avenue, and would measure 33,750 SF in area. Therefore, the proposed lot merger is in compliance with lot size and street frontage requirements.

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**160 Lorton Avenue (Parking Lot N)**

**Lot Area:** 33,750 SF

**Plans date stamped:** December 5, 2018

	<b>PROPOSED</b>	<b>ALLOWED/REQUIRED</b>
<b>Use:</b>	Five-level parking garage with 368 stalls  (includes 97 parking stalls displaced by the proposed affordable housing development on Lot F, 109 parking stalls currently located on Lot N and 162 new parking stalls)	public buildings
<b>Setbacks</b>		
<b>Lorton Ave:</b>	5'-8" <sup>1</sup>	10'-0"
<b>Highland Ave:</b>	5'-8" <sup>1</sup>	10'-0"
<b>North Side:</b>	1'-0" <sup>1</sup>	10'-0"
<b>South Side:</b>	10'-0"/14'-0"	10'-0"
<b>Building Height:</b>		
	48'-0"	55'-0" (rooftop enclosures allowed to extend additional 10')
<b>Lot Coverage:</b>		
	79.3% <sup>2</sup> (26,775 SF)	50% (16,875 SF)
<b>Landscaping:</b>		
	18% of front setback <sup>3</sup> (272 SF)	40% of front setback (600 SF)

<sup>1</sup> Request to allow decreased setbacks along the Lorton Avenue, Highland Avenue and North sides of the building based on Code Section 25.29.050(f).

<sup>2</sup> Request to allow 79.3% lot coverage based on Code Section 25.29.050(f).

<sup>3</sup> Request to allow 18% front setback landscaping based on Code Section 25.29.050(f).

The proposed parking structure deviates from setback, lot coverage, and front setback landscaping requirements of the R-4 district, as outlined in Section 25.29 (R-4 District Regulations). However, the R-4 district regulations include a provision (Section 25.29.050(f)) that allows the Planning Commission and the City Council, in the considerations and acceptance of any tentative or final map submitted pursuant to the provisions of the Subdivision Map Act, to approve or accept any such tentative or final map wherein one or more lots or parcels of land do not conform to all of the provisions of Chapter 25.34, when the planning commission and the city council find that by reason of exceptional or extraordinary circumstances the approval or acceptance of such maps will not adversely affect the comprehensive zoning plan of the city.

The Tentative and Final Map for Lot Merger for the project would propose that the building be built 5'-8" from the lot lines on the Lorton and Highland Avenue frontages and 1'-0" from the northern property line, that the lot coverage be 79.3% (50% maximum allowed) and the percentage of front setback landscaping be 18% (40% minimum required). The Planning Commission and City Council would need to determine that the proposal

would be not adversely affect the comprehensive zoning plan of the city, and incorporate the appropriate findings into their actions on the Tentative and Final Parcel Map and the project.

**Staff Comments:** Several letters/emails concerning the project were received and are attached for review. Included as an attachment is a staff report from the Traffic, Safety and Parking Commission, dated April 12, 2018, recommending construction of a 5-level parking garage.

**General Plan/Specific Plan:** The *Burlingame General Plan* designates the project site as High Density Residential. In 2010 the City Council adopted the *Burlingame Downtown Specific Plan* (with amendments in 2014, 2015, 2016, and 2017), 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; the site is in the R-4 Incentive District. The Plan describes the R-4 Incentive District as follows:

*The R-4 Incentive District consists of lands in the southern portion of Downtown, on either side of Bayswater Avenue between Highland Avenue and Park Road. The land uses for this area are predominantly higher density multifamily residential. The development standards for this district provide incentives to encourage high density residential uses. In addition to residential uses, small corner retail stores serving local residents would be allowed.*

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
<b>Policy LU-5.2:</b> Promote public/private partnerships for redevelopment of City-owned properties.	The parking garage is proposed to be built on a City-owned public parking lot in partnership with the developer building an affordable housing development on Public Parking Lot F.
<b>Policy P-1.1:</b> Encourage the use of “alternative” vehicle types with ample bicycle parking and free parking for electric cars.	The project will be required to provide an area for bicycle storage; electric vehicle charging stations for vehicles will be provided as required by the California Building Code California Green Building Standards Code.
<b>Policy P-1.2:</b> Devote less land for parking Downtown while accommodating increased demand by using the land more efficiently with decked or underground parking.	The proposed public parking garage will contain five levels of parking, which uses significantly less land than it would if all of the parking spaces were accommodated on surface parking lots.
<b>Policy P-1.4:</b> Provide incentives for joint ventures between the City and developers for new development that includes public parking facilities. <b>Policy P-2.3:</b> Consider the sale or joint development of some parking lots for development and use the proceeds for development of new parking facilities.	The developer is partnering with the City to develop City-owned Parking Lots F & N with affordable housing on Lot F and a public parking garage on Lot N.

GOAL/POLICY	PROJECT PROPOSED
<p><b>Policy P-3.2:</b> Ensure downtown parking is conveniently located.</p> <p><b>Policy P-5.1:</b> Consolidate parking lots in a convenient, centralized location such as a parking structure or underground parking on Lot J</p> <p><b>Policy P-5.2:</b> Construct well-designed parking garages in central locations.</p>	<p>The proposed public parking garage is located within the downtown area, just south of Howard Avenue, between Lorton and Highland Avenues. The design of the parking garage is subject to Design Review.</p>
<p><b>Policy S-1.3:</b> 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.</p>	<p>There are three existing street trees along Lorton Avenue and two existing street trees along Highland Avenue in front of the project site. All existing street trees would be removed and replaced with three new 36-inch box street trees along Lorton Avenue and four new 36-inch box street trees along Highland Avenue.</p>
<p><b>Policy OS-2:</b> Provide additional green open space in Downtown, including walkways and seating areas.</p>	<p>Landscaping is proposed along the south side of the site, which also includes a 10 to 14 foot wide pedestrian walkway connecting Lorton and Highland Avenues. A total of seven 36-inch box Columnar European Hornbeam trees are proposed to be planted in the area portion of the lot nearer to Highland Avenue. In addition to the trees, the pedestrian walkway will consist of decorative paving, benches, a raised planter, groundcover and pervious paving.</p>
<p><b>Policy D-1.2:</b> Require design review for all new downtown buildings and for changes to existing downtown buildings, and integrate historic review into the design review process.</p> <p><b>Policy D-3.1:</b> Ensure that new development is appropriate to Burlingame with respect to size and design.</p> <p><b>Policy D-3.2:</b> Evaluate development in the Downtown Area that is proposed to be taller than surrounding structures (i.e. over 40 feet) for potential to create new shadows or shade on public and/or quasi-public open spaces and major pedestrian routes.</p>	<p>The proposed project is subject to the design review process.</p>
<p><b>Policy D-4.1:</b> Encourage buildings to be built out to the sidewalk, with doors and windows facing the sidewalk to create a lively pedestrian environment.</p>	<p>The proposed building is built near the sidewalk (5'-8" setback) with storefront windows facing the sidewalk.</p>

**Design Review:** A design review application in multifamily residential (R-3 and R-4) Districts shall be reviewed by the Planning Commission for the following considerations (CS 25.57.030 (f):

- (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:** That the proposed public parking garage will be compatible with the existing character of the commercial downtown neighborhood to the north with the use of a variety of quality materials including unfinished concrete walls, architectural screens, and cable and metal panel guardrails on the Lorton Avenue and Highland Avenue facades of the building, with storefront windows on the ground floor along the street facades and green screen panels on the north and south facades of the building. The new garage will contain five levels of parking, with the fifth floor being open to the sky, so it will be represented more like a four-story building, and therefore respects the mass and scale of the area which is bordered by two-story commercial buildings to the north along Howard Avenue, a two-story multifamily residential building and private parking lot to the south, two-story multifamily residential buildings and Parking Lot F to the west across the street on Lorton Avenue, and a gasoline station and automotive repair buildings to the east along Highland Avenue, all of which have a variety of architectural styles. The building includes articulated street façades that provides visual interest. For these reasons the project may be found to be compatible with the requirements of the City's design review criteria.

**Planning Commission Action:** The Planning Commission should hold a public hearing on the application and consider public testimony and the analysis contained within the staff report. Affirmative action should be by resolution and include findings for Design Review and Lot Merger. 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 December 5, 2018, sheets T.0, C1.1 through C1.3, L1, and A1.1 through A3.5;
2. that no entitlements are complete or may vest until the project sponsor enters into any required final agreements with the City and has consent from the City Council as to the mechanism for the transfer of property rights and any other required legal agreements or actions required to acquire the rights to build the project as specified in the plans date stamped December 5, 2018;
3. that the project applicant and its construction contractor(s) shall develop a construction management plan for review and approval by the City of Burlingame. The plan must include at least the following items and requirements to reduce, to the maximum extent feasible, traffic and parking congestion during construction:
  - a. A construction parking plan to provide worker parking off site and generally off neighborhood streets, with shuttles or other transportation as needed to transport workers to the site;
  - b. A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes;

- c. Identification of haul routes for movement of construction vehicles that would minimize impacts on motor vehicular, bicycle and pedestrian traffic, circulation and safety, and specifically to minimize impacts to the greatest extent possible on streets in the project area;
  - d. Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures would occur;
  - e. Provisions for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the project applicant; and
  - f. Designation of a readily available contact person for construction activities who would be responsible for responding to any local complaints regarding traffic or parking. This coordinator would determine the cause of the complaint and, where necessary, would implement reasonable measures to correct the problem.
4. that prior to issuance of a building permit, the applicant shall apply for a tentative and final map to merger the parcels with the Public Works, Engineering Division for processing in conformance with the Subdivision Map Act;
  5. 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;
  6. 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);
  7. that the project shall provide electric vehicle charging stations as required by the California Building Code and California Green Building Standards Code;
  8. 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;
  9. that storage of construction materials and equipment on the street or in the public right-of-way shall be prohibited;
  10. 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;
  11. 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;

12. 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;
13. 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;
14. 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;
15. 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;
16. that a Protected Tree Removal Permit shall be required from the City of Burlingame Parks Division to remove any existing protected size trees and that the project shall comply with the Tree Protection and Reforestation Ordinance adopted by the City of Burlingame and enforced by the Parks Department; complete landscape and irrigation plans shall be submitted at the time of building permit application;
17. that if there are any existing trees on adjacent properties abutting the project site that are determined to remain, the applicant shall have an arborist's report prepared which documents how the trees should be protected during construction; this report shall be reviewed and approved by the City Arborist and the contractor shall call for the City Arborist to inspect the protection measures installed before a building permit shall be issued;
18. that a certified arborist shall be on site during any grading or digging activities that take place within the designated tree protection zones, including the digging for the foundation and digging for removal or installation of any utilities; and that if at any time during the hand digging a root greater than 3 inches in diameter is encountered, the City Arborist shall be notified for further inspection;
19. that the applicant shall coordinate with the City of Burlingame Parks Division regarding the planting of the street trees along Lorton Avenue and Highland Avenue, as shown on the Landscape Plan, date stamped December 5, 2018;
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 construction access routes shall be limited in order to prevent the tracking of dirt onto the public right-of-way, clean off-site paved areas and sidewalks using dry sweeping methods;

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

26. that prior to scheduling the foundation inspection a licensed surveyor shall locate the property corners, set the building envelope;
27. that prior to underfloor frame inspection the surveyor shall certify the first floor elevation of the new structure(s) and the various surveys shall be accepted by the Building Division;
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 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;
30. that the maximum elevation to the top roof parapet shall not exceed elevation 85.00', as measured from the average elevation at the top of the curb along Lorton Avenue (36.70') for a maximum height not to exceed 48'-0" to the top of the parapet; the top of each floor and final roof ridge shall be surveyed by a licensed surveyor who shall provide certification of that height to the Building Division; Should any framing exceed the stated elevation at any point it shall be removed or adjusted so that the final height of the structure with roof shall not exceed the maximum height shown on the approved plans;

**The following conditions of approval are from Downtown Specific Plan:**

31. the project sponsor shall implement all appropriate control measures from the most currently adopted air quality plan at the time of project construction;
32. 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.
33. the project sponsor shall implement the following Greenhouse Gas reduction measures during construction activities:
- a. Alternative-Fueled (e.g., biodiesel, electric) construction vehicles/equipment shall make up at least 15 percent of the fleet.
  - b. Use at least 10 percent local building materials.
  - c. Recycle at least 50 percent of construction waste or demolition materials.
34. the project sponsor shall provide adequate secure bicycle parking in the plan area at a minimum ratio of 1 bicycle spot for every 20 vehicle spots;
35. 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;
36. 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;
37. 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.
38. 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;
39. 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.
40. 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;
41. 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
42. 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  
Planning Manager

c. Chris Grant, The Pacific Companies

Attachments:

February 26, 2018 Planning Commission Minutes  
Applicant's Response Letter and Summary of Changes, dated December 6, 2018  
Architectural Screen Specifications  
Recommendation from the Traffic, Safety and Parking Commission, dated April 12, 2018  
Letter submitted by David Mendell, dated February 28, 2018  
Email submitted by Becky Newman-Bickel, dated April 30, 2018  
Application to the Planning Commission  
Downtown Specific Plan Applicable Design Guidelines (reference only)  
Planning Commission Resolutions (Proposed)  
Notice of Public Hearing – Mailed November 30, 2018  
Aerial Photo