

City of Burlingame

Condominium Permit, Design Review, Conditional Use Permit, and Tentative Condominium Map for a Proposed Residential Condominium

**Item No. 8e
Regular Action**

Address: 556 El Camino Real

Meeting Date: May 11, 2020

Request: Application for Condominium Permit, Design Review, Conditional Use Permit for building height, and Tentative Condominium Map for a new five-story, 21-unit residential condominium with below-grade parking.

Applicant and Property Owner: Roman Knop
Designer: Omar Hernandez, RSS Architecture

APN: 029-111-260
Lot Area: 15,107 SF

General Plan: Burlingame Downtown Specific Plan (R-3 Base District)
Adjacent Development: Multi-family and single-family dwellings

Zoning: R-3

Current Use: 14-unit residential apartment building
Proposed Use: 21-unit residential condominium building
Allowable Use: Multiple-family, duplex, and single-family dwellings

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

- (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 contained in the Mitigated Negative Declaration No. 597-P, and based on the fact that the currently proposed project is less intense than the project reviewed for the MND, no additional substantial adverse impacts beyond those discussed in the analysis are anticipated and 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 pages 9 and 10 for additional information and attached MND No. 597-P, dated May 2018). A Notice of Exemption may be prepared for the project and no further review is needed.

Project History:

- 2012: An application for a new 22-unit condominium at 556 El Camino Real was submitted and then substantially redesigned with 25 units and resubmitted.
- February 2014: Design review study meeting and the Planning Commission referred the application to a design review consultant.
- January 2016: Planning Commission held an environmental scoping meeting and design review study meeting to review the revised architectural treatment with a contemporary design approach, reduction of units from 25 units to 21 units, top-floor setbacks on all sides of the building, and circular front entry drive.

- March 2016: Revised plans were submitted with a redesigned garage layout to allow additional queuing space in the driveway for vehicles entering the parking garage. These plans served as the basis for the subsequent environmental review and the resulting Mitigated Negative Declaration.
- July 24, 2017: The project went forward for action and the Planning Commission continued the item to allow modifications and further analysis of the underground garage, traffic circulation and queuing, and geotechnical matters.
- May 29, 2018 and June 11, 2018: The Planning Commission reviewed the revised project as an action item and voted to Deny With Prejudice based on findings that the project was not consistent with City of Burlingame objective development standards regulating Standards for Parking Spaces and Standards for Parking Aisles and Driveways; that the constraints imposed on the project by said alternative mechanical parking system could result in potential for vehicle queuing, traffic conflicts, and the harm to the project and property or improvements in the vicinity should the system fail in operation, and that findings could not be made for the Conditional Use Permit for height.
- July 2019: Current application and iteration of the project was submitted.

Project Summary: The applicant is proposing a new, five-story, 21-unit residential condominium building with below-grade parking at 556 El Camino Real, zoned R-3. The project site currently contains a 14-unit apartment building, which would be demolished to build the proposed 21-unit residential condominium building. The existing buildings were not identified on the Draft Inventory of Historic Resources of the Burlingame Downtown Specific Plan. The site is bordered by a three-story, 38-unit multifamily building to the north at 1545 Floribunda Avenue, three-story 12-unit and 32-unit multifamily buildings to the south at 550 and 530 El Camino Real, and a three-story 28-unit multifamily building to the rear at 1515 Floribunda Avenue. Across El Camino Real are single family homes within the Town of Hillsborough.

The proposed building would contain 21 residential units in five floors and a below-grade parking garage. The garage would utilize an automated mechanical “puzzle stacker” parking system, with each space independently accessible. Units would range from 1 to 3 bedrooms, and from 630 to 1,955 square feet in size. The average unit size proposed is 1,250 SF (1,250 SF average maximum unit size required in the Downtown Specific Plan).

The major revisions between the project denied by Planning Commission at the May 29 and June 11, 2018 meetings and the current submittal include:

- The mix of units (previously proposed four 1-bedroom units, seven 2-bedroom units, 10 3-bedroom units, and currently proposed three 1-bedroom units, twelve 2-bedroom units, six 3-bedroom units);
- The revised mix of units resulted in a reduced number of required parking spaces (previously 36 parking spaces required and currently 34 parking spaces required);
- A 24-foot aisle has been added in front of the proposed automated parking stacker (previously proposed layout had no aisle);
- The total number of proposed on-site parking spaces has decreased from 37 spaces to 36 spaces, and the number of these spaces being provided by the automated parking stacker has decreased from 35 spaces to 32 spaces;

- The proposed depth of the stacker parking pit, which is the lowest point of the below-grade garage, has been reduced by approximately 10 feet (previously proposed pit was 30 feet below grade and currently proposed pit is 20 feet below grade);
- The setback for the below-grade/ basement garage has been decreased (previously proposed rear setback was 15'-0" and currently proposed setback is 0'-0");
- The number of vehicles that can queue on the property on the driveway and ramp to the garage has increased (previously proposed layout allowed for three vehicles to queue, where currently proposed allows a total of four vehicles to queue); and
- The style of automated stacker has been changed, and the new system combined with the aisle in front of the stacker allows vehicles to access spaces independently and queue in front of the stacker if more than one car is parking at one time (previously proposed stacker had one intake bay, where currently proposed stacker could potentially allow eight vehicles to load at one time). Given loading patterns it is more likely that up to three vehicles could queue side-by-side in front of the stacker if necessary (one vehicle in front of each stacking unit gate), in addition to the four vehicles that could queue in tandem on the ramp leading to the garage.

The following applications are required for this project:

- Design Review for construction of a new five-story, 21-unit condominium building with below-grade parking (C.S. 25.28.045 and Chapter 5 of the Downtown Specific Plan);
- Conditional Use Permit for building height (51'-1" and five stories proposed where a Conditional Use Permit is required if the building exceeds 35'-0" in height and four stories; 55'-0" is the maximum allowed) (C.S. 25.28.060); and
- Condominium Permit (Tentative Condominium Map) required for construction of new condominium building (C.S. 26.30.020).

Housing Accountability Act (HAA): The Housing Accountability Act (HAA), codified in State of California Government Code Section 65589.5, limits the ability of municipalities to deny a multifamily residential project that complies with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the application is determined to be complete. "Objective standards" are those that can be independently measured (such as height, density, and lot coverage) rather than subjective (such as "does not fit with the neighborhood character"). The table below outlines the proposed project's compliance with the applicable objective development standards.

556 El Camino Real
Lot Area: 15,107 SF

Plans date stamped: April 6, 2020

	January 19, 2018 Plans (Denied May 29, 2018)	Current Plans April 6, 2020	Allowed/Required
Front (Basement):	20'-0"	No change	20'-0"
(1st flr):	22'-0" (edge of trash lift)		21'-0" (block average)
(2nd flr):	23'-2"		21'-0" (block average)
(3rd flr):	23'-2"		21'-0" (block average)
(4th flr):	23'-2"		21'-0" (block average)

	January 19, 2018 Plans (Denied May 29, 2018)	Current Plans April 6, 2020	Allowed/Required
(5th flr):	33'-4"		21'-0" (block average)
Right (Basement):	11'-1"	8'-0"	0'-0"
(1st flr):	11'-1"	10'-7"	7'-0"
(2nd flr):	10'-8"	10'-2"	8'-0"
(3rd flr):	10'-8"	10'-2"	9'-0"
(4th flr):	10'-8"	10'-2"	10'-0"
(5th flr):	16'-2"	16'-0"	11'-0"
Left (Basement)	11'-2"	0'-0"	0'-0"
(1st flr):	11'-2"	No change	7'-0"
(2nd flr):	10'-2"	No change	8'-0"
(3rd flr):	10'-2"	No change	9'-0"
(4th flr):	10'-2"	No change	10'-0"
(5th flr):	16'-0"	No change	11'-0"
Rear (Basement):	15'-0"	0'-0"	0'-0"
(1st flr):	18'-0" (corner of stair)	20'-0"	15'-0"
(2nd flr):	18'-0" (corner of stair)	20'-0"	15'-0"
(3rd flr):	18'-0" (corner of stair)	20'-0"	20'-0"
(4th flr):	18'-0" (corner of stair)	20'-0"	20'-0"
(5th flr):	18'-0" (corner of stair) ¹	20'-0"	20'-0"
Lot Coverage:	7,030 SF 47%	No change	7,553.5 SF 50%
Building Height:	55'-0" to highest point ²	51'-1" to parapet ³	35'-0" 55'-0" to parapet with a CUP
Off-Street Parking:	35 spaces for residents provided with automated mechanical parking system 2 surface spaces for service vehicles and/or guests 37 total spaces (36 spaces required) 95% covered	34 spaces provided for residents in underground garage (32 spaces with automated mechanical parking system and 2 pull-in spaces) 2 surface spaces for service vehicles and/or guests 36 total spaces (34 spaces required) 95% covered	3 1-BR x 1 = 3 spaces 12 2-BR x 1.5 = 18 spaces 6 3-BR units x 2 = 12 spaces 1 service vehicle space required No guest parking required 34 total spaces required 80% must be covered

	January 19, 2018 Plans (Denied May 29, 2018)	Current Plans April 6, 2020	Allowed/Required
Front Setback Landscaping:	50% (1,180 SF)	62% (1,355 SF)	50% (1,165.5 SF)
Private Open Space:	75 SF – 843 SF/unit	No change	75 SF per unit
Common Open Space:	3,068 SF	3,945 SF	2,100 SF
SF Landscaped:	2,001 SF (95% of required)	1,487 SF (71% of required)	1,050 SF (50% of required)

- ¹ Previously proposed rear setback did not meet code requirements but project was conditioned to be revised to meet the minimum rear setback at the time of Building Permit application.
- ² Height of the proposed building has not changed. Previous staff reports were formatted to provide the height to the top of the highest point, which is the elevator enclosure, where the current staff report shows the building height to the top of parapet for the fifth floor (as defined in the Municipal Code).
- ³ Conditional Use Permit requested for building height exceeding 35'-0" and four stories, where 51'-1" is proposed to top of parapet of the fifth floor and 35'-0" is the maximum allowed in the R-3 Zoning District unless a CUP is granted. Up to 5% of the roof area utilized for mechanical equipment (such as elevators) is allowed to be no more than 10 feet above the parapet, where 5% of the roof area is proposed to at 4'-0" above the parapet height.

Staff Comments: See attached comments from the Stormwater Division, dated July 25, 2019, the Parks Division, dated February 14, 2020, the Building Division, dated February 5, 2020, the Public Works Division, dated February 21, 2020, and the Fire Division, dated March 10, 2020.

Design Review: The proposed project is subject to Chapter 5 of the Downtown Specific Plan (Design & Character). Section 5.3 (pages 5-17 through 5-21) provides design guidelines specifically for residential areas within the Downtown Specific Plan area. Section 5.4 (pages 5-22 through 5-27) provides more general design guidelines that apply to all areas of the downtown, including residential areas.

Materials proposed for the exterior of the building include stucco, fiber cement lap siding, aluminum and glass railings, and aluminum windows. The applicant is requesting a Conditional Use Permit for the proposed building height. The overall height of the building is proposed to be 51'-1" above average top of curb level to the fifth story parapet, where 35'-0" is the maximum building height under the base zoning and 55'-0" is the maximum height with a Conditional Use Permit.

Condominium projects are subject to development standards outlined in Code Section 26.30 Condominium Subdivisions. Compared to apartment multifamily projects, condominiums are subject to:

- Increased side setbacks (5 feet minimum, 7 feet on lots over 61 feet wide, with an increase of 1 additional foot for each additional story);
- Area for service vehicles to make deliveries;

- Private open space of 75 square feet per unit; and
- Common open space of 100 square feet per unit.

Off-Street Parking: The code requires 33 parking spaces for the residents of the units (1 space for each 1-bedroom unit, 1.5 spaces for each two-bedroom unit, and 2 spaces for each 3-bedroom unit) and an area or space for on-site deliveries, for a total of 34 required parking spaces. There is no guest parking required on-site for properties located within the Downtown Specific Plan. The project proposes a total of 36 on-site parking spaces, exceeding the number of required parking spaces by two spaces.

The below-grade garage includes a total of 34 parking spaces and is accessed through a garage door over the ramp to the garage. There is enough room to accommodate four vehicles on the ramp leading to the garage. Of the 34 below-grade parking spaces, 32 spaces are provided in the automated mechanical parking system and two spaces are provided outside the automated parking system, in a location against the left side of the garage. Two additional spaces for deliveries and/or guests are provided outside the garage, in the front of the building next to the driveway. The circular driveway would also provide space for short-term deliveries to pull off El Camino Real.

A CityLift two level puzzle stacker system, model 2LP, is proposed for the automated parking. This system works in a tandem configuration, whereby there are eight parking stalls at the front of the parking system. A resident enters the garage and parks a vehicle in the waiting area in the aisle in front of the lift, gets out of the vehicle to go to the control box to request a stall, and while the system shifts vehicles to bring the assigned stall in front of the waiting vehicle, the resident returns to the vehicle and drives into the open stall. There are two empty transfer spaces at the right side of the system to provide room for the vehicles to shift. A technical sheet is attached, and the applicant has provided links to videos demonstrating how the system operates: <https://citylift.sharefile.com/d-s3f6dccc030d44e59> and <https://citylift.sharefile.com/d-s7f839bd1f8248d08> and <https://citylift.sharefile.com/d-s3e009f38a4b4ba4a>.

The currently proposed system has three gated bays. The two bays at the left side of the garage each have three entry loading parking spaces and the third bay at the right side has two entry loading parking spaces, for a total of eight entry loading spaces. The system design combined with the 24-foot aisle next to the bays would potentially allow eight vehicles to line up side by side in front of the lift in order to load. However given loading patterns (it is unlikely that eight residents would be loading or unloading at the same time) and the fact that the safety gate descends in front of each bay when a car is loaded or unloaded, it is much more likely that up to three vehicles might line up side-by side or be extracted from the system at one time, one vehicle for each of the three bays.

The Municipal Code does not include specifications for automated parking systems, so the City currently does not have a standard mechanism for review and approval. However, as a policy the Downtown Specific Plan encourages “creative approaches” to providing on-site parking including parking lifts. Parking lifts have been approved in two residential projects in Downtown Burlingame (1225 Floribunda Avenue and 1433 Floribunda Avenue), and automated puzzle stackers have been approved in three office buildings (240 Lorton Avenue, 988 Howard Avenue, and 250 California Drive).

The underground garage would extend approximately 20 feet below grade at its lowest point. The applicant submitted a geotechnical investigation as part of the MND to identify general site characteristics. A condition of approval would require that final design shall be prepared by a qualified professional engineer and approved by the Burlingame Department of Public Works prior to receiving a building permit.

The project plans show a backup generator at the basement level to be used in the event that there is power outage, and there are bicycle storage areas outside the lobby in the garage.

Common and Private Open Space: There is a total of 3,945 SF (187 SF/unit) of common open space in the rear yard area proposed for the condominium project where 2,100 SF (100 SF/unit) is required. Of the required common open space, a minimum of 50% must be in soft landscaping. There is 75 SF to 843 SF in private open space per unit (75 SF/unit is the minimum required) provided in balconies and patios.

Landscaping: Proposed landscaping throughout the site is shown on the Landscape Plan (sheets L-1 to L-4). The applicant is proposing 62% (1,355 SF) landscaping in the front yard where 50% (1,165.5 SF) is the minimum required.

Currently, there are six existing trees on the property ranging from 8- to 10-inches in diameter which would be removed. Additionally, an existing 13-inch diameter tree within the El Camino Real right-of-way is proposed to be removed to accommodate a driveway curb cut. None of the trees meets the definition of a protected-size tree in the Burlingame Urban Reforestation and Tree Protection Ordinance.

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 2,000 SF of lot coverage. Based on the proposed project (lot coverage 7,030 SF), a total of four 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 four new trees on site in the landscaped rear common area.

The applicant submitted a Tree Survey (Appendix C) that shows seven existing trees located on adjacent properties (Trees 1 through 6 and 14), but with probable root growth that extends onto the subject site. Of these seven trees, only Trees 6 and 14, both Redwood trees, meet the definition of a protected-size tree in the Burlingame Urban Reforestation and Tree Protection Ordinance (due to their size). A Condition of Approval (see Condition of Approval # 5) has been added to require tree protection measures during construction and a replacement plan should the trees be damaged by construction activities for the proposed project.

One Eucalyptus tree is proposed to be removed on El Camino Real, within the Caltrans right-of-way. The tree is part of the Howard-Ralston Eucalyptus Tree Row, which is a State-owned historical resource listed on the National Register of Historic Places. However the tree has been determined to not be a contributor to the historic tree row. One new Elm street tree (*Ulmus accolade*) will be required to be planted on El Camino Real as part of the project, which is in keeping with the Caltrans current replacement program for trees along this corridor. There is also one existing Elm tree and one Eucalyptus tree in the right of way in front of the site that will be retained with construction. The applicant will be responsible for obtaining a permit from Caltrans for removal and replacement of any trees.

Density Bonus and Affordable Units: Under the Density Bonus Ordinance a project is not required to provide affordable units unless it is requesting certain development incentives or concessions outlined in the regulations. The proposed project is not requesting development incentives or concessions associated with the Density Bonus Ordinance, therefore is not obligated to provide affordable units.

The request for a Conditional Use Permit for building height is a separate request, distinct from the incentives offered provided in the Density Bonus Ordinance. The request for a Conditional Use Permit is a discretionary permit subject to Planning Commission review and approval based on findings in Code Section 25.52.020).

On April 1, 2019 the City Council adopted residential impact fees for new residential development in Burlingame to provide a dedicated source of funding for programs supporting workforce housing in Burlingame. However, the application for this project was submitted prior to the adoption of the residential impact fees, so is therefore not subject to the fees.

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

Based on the proposed 21-unit multiple family residential development and providing a credit for the existing 14 units which will be replaced, the required public facilities impact fee for this development project is for a net increase of 7 units in the amount of \$38,759 (see table below). One-half of the public facilities impact fees payment (\$19,379.50) will be required prior to issuance of a building permit; and the second half of the payment will be required before the final framing inspection.

Service Area	Proposed Multifamily Project 21 New Units – 14 Existing Units = 7 Net New Units (fee calculated per dwelling unit)
General Facilities & Equipment	\$1636 x 7 = \$11,452
Libraries	\$1415 x 7 = \$ 9,905
Police	\$259 x 7 = \$ 1,813
Parks and Recreation	\$350 x 7 = \$ 2,450
Streets and Traffic	\$1105 x 7 = \$ 7,735
Fire	\$381 x 7 = \$ 2,667
Storm Drainage	\$391 x 7 = \$ 2737
Total	\$38,759

General Plan/Specific Plan: The *Burlingame General Plan* adopted in 2019 designates this site as part of the Downtown Specific Area. In 2010 the City Council adopted the *Burlingame Downtown Specific Plan* (amended in 2011), which serves as an element of the General Plan. The *Burlingame Downtown Specific Plan* does not specify density limits, but regulates development through other measurable standards such as height, setbacks, and an average maximum unit size. The subject property is located within the boundaries of the planning area for the Downtown Specific Plan, specifically in the R-3 Base District. The Plan describes the R-3 Base District as follows:

On the north side of Downtown, the area is bounded by Oak Grove Avenue to its north; the rail road tracks to its east; El Camino Real to its west and portions of land to the south of Floribunda Avenue is designated for medium-high density residential (R-3) uses. The land uses are predominantly multifamily residential including some lower intensity residential uses such as single family homes, duplexes, apartment homes, multifamily homes and accessory buildings. Uses in this district also include public buildings, public parks and playgrounds, and religious facilities. These areas will continue to be regulated by the same zoning standards that apply to R-3 properties.

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
Goal LU-3: Ensure sensitive transitions between the existing adjacent residential areas and the downtown area.	The proposed five-story, 21-unit multifamily residential development blends with the existing multi-family residential uses and will combine with current developments throughout the downtown area to

GOAL/POLICY	PROJECT PROPOSED
	provide a sensitive transition between peripheral residential uses and more dense residential and commercial buildings closer to the main downtown corridor.
<p>Goal P-1: Explore creative parking solutions.</p> <p>Policy P-1.2: Devote less land for parking Downtown while accommodating increased demand by using the land more efficiently with decked or underground parking.</p> <p>Policy P-1.3: Conceal parking areas through the use of attractively designed above- or below-ground parking structures.</p>	<p>A mix of standard surface parking and car stackers are proposed for the project.</p> <p>All of the required residential parking is provided in a below-grade garage and surface land is used for landscaping and common areas for the multi-family residential use.</p> <p>Below-grade parking is concealed by site landscaping and the garage doors are designed so that they are only partially visible from the street level.</p>
<p>Policy C-2.6: Consider the needs of pedestrian, bicycles, and people with disabilities.</p>	<p>Bicycle parking is provided in the enclosed garage.</p>
<p>Policy D-3.1: Ensure that new development is appropriate to Burlingame with respect to size and design.</p>	<p>Building does not exceed the maximum allowed building height and is consistent in mass and bulk with existing buildings in the area; project is subject to design review.</p>

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

- (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.

The General Plan designation for the site is Downtown Specific Plan. The Downtown Specific Plan specifies the site as R-3 base District and does not define a density in dwelling units per acre. Instead the Downtown Specific Plan regulates density with development standards such as setbacks, height, and maximum average unit size. The proposed project complies with these development standards as well as all additional applicable zoning regulations, including lot coverage, landscaping, off-street parking, and condominium development regulations.

The project as designed is consistent with Goals LU-3 and P-1 which address sensitive transitions between existing residential areas and the downtown area and creative parking solutions. The proposed project is also consistent with Policies P-1.2, P-1.3, C-2.6, and D-3.1 which address residential density, allowing housing on the periphery of the downtown planning area, parking design, and ensuring that the massing of the building is appropriate.

- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
 - *The proposed development is on a project site of 0.35 acres and is surrounded by urban uses, including multi-family dwellings, and is adjacent to a transit corridor.*

- (c) The project site has no value as habitat for endangered, rare or threatened species.
- *The project site is located in an urban area and is surrounded by residential development. The project site is completely developed and is currently occupied with a multi-family dwelling. There are no large or significant trees, riparian habitat, or other sensitive plant communities on the project site.*
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- *A Mitigated Negative Declaration (MND No.597-P) was prepared in May 2018 for the original project. With incorporation of mitigations, the MND concluded that the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The currently proposed project is comparable to the original project and in some instances less intense than the original project (the amount of required parking and the number of vehicles able to queue on site, and the depth of excavation for the garage), and therefore the finding of no significant effects would not be altered. Conditions identified as mitigation measures in the MND have been incorporated into the revised project as conditions of approval.*
 - *A Mitigated Negative Declaration was also prepared for the Downtown Specific Plan, which analyzed potential impacts of new infill development and included standard conditions of approval to mitigate potential environmental impacts from projects. The proposed project is located within the Downtown Specific Plan and conforms to development assumptions incorporated into the Initial Study and Mitigated Negative Declaration prepared for the Downtown Specific Plan. With incorporation of these standard conditions of approval, the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*
- (e) The site can be adequately served by all required utilities and public services.
- *The project site is located in an urban area and is surrounded by low to medium-high residential development which is served by utility and public services. The existing two-story building will be replaced with a five -story building on the same lot with the same use and therefore will be adequately served by required utility and public services.*

Review of Mitigated Negative Declaration No. 597-P: Since the project includes construction of more than four units (21 units proposed), the project is subject to the requirements of the California Environmental Quality Act (CEQA). As part of the original project review in 2014, the Planning Commission held environmental scoping sessions along with design review study meetings for this project. An Initial Study and two subsequent revisions were prepared by David J. Powers & Associates, Inc. The Mitigated Negative Declaration (MND) was circulated for public review on February 3, 2017. The second revision of the document was completed in May 2018. Revisions to the MND incorporated the following items:

- on March 9, 2017, the Department of Transportation (Caltrans) submitted a comment letter specifying that the Initial Study include a discussion of the Howard-Ralston Eucalyptus Tree Row, which is listed on the National Register of Historic Places and to which the project site is adjacent, as well as an updated Sacred Lands file search and Native American consultation;
- an updated queuing analysis was conducted by Hexagon Transportation Consultants (attached as Revised Appendix E and dated April 2018), which determined that the project is expected to generate six inbound trips during the PM peak hour (from either northbound or southbound El Camino Real), with

four of the trips being during the “peak 15-minute period” within the PM peak hour and the Initial Study concluded that the proposed project would not result in traffic hazards on El Camino Real;

- Per the March 9, 2017 Caltrans letter the conditions of approval for the project specify that an Encroachment Permit must be issued by Caltrans for any work or traffic control that encroaches onto the State right-of-way; Caltrans will not accept or review an application for an Encroachment Permit until the environmental document has been adopted by the municipality;
- Section 4.17 of the revised Initial Study evaluates potential drainage impacts of the proposed project, including the underground garage. The conclusion is that given the limited increase in impervious surfaces on the site and use of bio retention areas, the project would not result in drainage impacts.
- Independent of the project, the Initial Study notes ongoing flooding within the Burlingame/Ralston Creek watershed as a result of undersized drainage facilities. The Initial Study indicates the City has proposed the improvements to remedy these drainage issues, and that the planned improvements have been funded and are currently in the design phase.

As prepared the MND identified issues that were “less than significant with mitigation incorporated” in the areas of air quality, biological resources, cultural resources, geology/soils, hydrology/water quality, and noise/vibration. The Initial Study did not identify adverse impacts which could not be reduced to acceptable levels by mitigation (please refer to the attached Initial Study/Mitigated Negative Declaration No. 597-P).

A summary of the mitigation measures is included in the table below. While these measures have been specified as mitigations for purposes of the Initial Study/Mitigated Negative, they remain applicable and will be incorporated as Conditions of Approval in the revised project.

Summary of Project Impacts and Mitigation Measures		
Environmental Factor	Mitigation Measures	Level of Environmental Impact
Air Quality	<p>Mitigation Measure AQ – 1.1: During any construction period which causes ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less than significant level. The contractor shall implement the following best management practices that are required of all projects:</p> <ul style="list-style-type: none"> ▪ All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. ▪ All haul trucks transporting soil, sand, or other loose material off-site shall be covered. ▪ All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. ▪ All vehicle speeds on unpaved roads shall be limited to 15 mph. ▪ All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. ▪ Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. 	Less than Significant with Mitigation Incorporated

Summary of Project Impacts and Mitigation Measures		
Environmental Factor	Mitigation Measures	Level of Environmental Impact
	<ul style="list-style-type: none"> ▪ 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. ▪ 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. 	
Air Quality	<p>Mitigation Measure AQ – 2.1: The project shall develop a plan demonstrating that the off-road equipment used on-site to construct the project would achieve a fleet-wide average 96 percent reduction in PM2.5 exhaust emissions. One feasible plan to achieve this reduction would include the following:</p> <ul style="list-style-type: none"> ▪ All mobile diesel-powered off-road equipment larger than 50 horsepower and operating on the site for more than two days continuously shall meet, at a minimum, U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent. The use of equipment that includes CARB-certified Level 3 Diesel Particulate Filters or alternatively-fueled equipment (i.e., non-diesel) would meet this requirement. Other measures may be the use of added exhaust devices, or a combination of measures, provided that these measures are approved by the City and demonstrated to reduce community risk impacts to less than significant (<10.0 in one million increased cancer risk). 	Less than Significant with Mitigation Incorporated
Biology	<p>Mitigation Measure BIO – 1.1: In order to protect nesting birds on and adjacent to the project site the following measures will be implemented:</p> <ul style="list-style-type: none"> ▪ Pre-construction nesting bird surveys shall be completed prior to tree removal if removal or construction is proposed to commence during the breeding season (February 1 to August 31) in order to avoid impacts to nesting birds. Surveys shall be completed by a qualified biologist no more than 7 days before construction begins. During this survey, the biologist or ornithologist shall inspect all trees and other possible nesting habitats in and within 250 feet of the project boundary. ▪ If an active nest is found in an area that would be disturbed by construction, the ornithologist shall designate an adequate buffer zone (~250 feet) to be established around the nest, in consultation with the California Department of Fish and Wildlife (CDFW). The buffer would ensure that nests shall not be disturbed until the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts. ▪ The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Community Development, prior to the issuance of a grading permit or demolition permit. 	Less than Significant with Mitigation Incorporated
Biology	<p>Mitigation Measure BIO – 2.1: In order to protect the retained trees on and/or adjacent to the site, the following measures should be implemented:</p> <ul style="list-style-type: none"> ▪ Tree protection zones shall be established and maintained throughout the entire length of the project. Fencing for the protection zones shall be a six-foot tall metal 	Less than Significant with Mitigation Incorporated

Summary of Project Impacts and Mitigation Measures		
Environmental Factor	Mitigation Measures	Level of Environmental Impact
	<p>chain link type supported by two-inch metal poles pounded into the ground by no less than two feet. The support poles shall be spaced no more than 10 feet apart on center. The location for the protection fencing shall be as close to the dripline as possible but still allow room for construction to safely continue. Signs shall be placed on fencing signifying "Tree Protection Zone - Keep Out". No materials or equipment shall be stored or cleaned inside the tree protection zones. Areas outside the fencing but still beneath the drip line of protected trees, where foot traffic is expected to be heavy, shall be mulched with four to six inches of chipper chips.</p> <ul style="list-style-type: none"> ▪ Trenching for irrigation, electrical, drainage or any other reason shall be hand dug when beneath the driplines of protected trees. Hand digging and carefully laying pipes below or beside protected roots will dramatically reduce root loss of desired trees thus reducing trauma to the entire tree. Trenches shall be backfilled as soon as possible with native material and compacted to near its original level. Trenches that must be left exposed for a period of time shall also be covered with layers of burlap or straw wattle and kept moist. Plywood over the top of the trench will also help protect exposed roots below. ▪ Normal irrigation shall be maintained throughout the entire length of the project. The imported trees on this site will require irrigation during the warm season months. Some irrigation may be required during the winter months depending on the seasonal rainfall. During the summer months the trees on this site shall receive heavy flood type irrigation twice a month. During the fall and winter, once a month should suffice. Mulching the root zone of protected trees will help the soil retain moisture, thus reducing water consumption 	
Cultural Resources	<p>Mitigation Measure CUL – 1.1: Unique Paleontological and/or Geologic Features and Reporting. Should a unique paleontological resource or site or unique geological feature be identified at the project site during any phase of construction, all ground disturbing activities within 25 feet shall cease and the Community Development Director notified immediately. A qualified paleontologist shall evaluate the find and prescribe mitigation measures to reduce impacts to a less than significant level. The identified mitigation measures shall be implemented. Work may proceed on other parts of the project site while mitigation for paleontological resources or geologic features is carried out. Upon completion of the paleontological assessment, a report shall be submitted to the City and, if paleontological materials are recovered, a paleontological repository, such as the University of California Museum of Paleontology.</p>	Less than Significant with Mitigation Incorporated
Cultural Resources	<p>Mitigation Measure CUL – 1.2: Cultural Sensitivity Training. Prior to any ground-disturbing construction activity on the site, cultural resource sensitivity training for construction personnel on the project shall be completed by a qualified archaeologist. The training shall outline potential indicators of archaeological materials and artifacts to be aware of during grading and excavation activity on the site.</p>	Less than Significant with Mitigation Incorporated
Cultural	<p>Mitigation Measure CUL – 1.3: Undiscovered Archaeological Resources. If evidence of an archaeological site or other suspected cultural resource as defined by CEQA</p>	Less than Significant with Mitigation

Summary of Project Impacts and Mitigation Measures		
Environmental Factor	Mitigation Measures	Level of Environmental Impact
Resources	Guideline 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 Community Development Director shall be notified. The project sponsor shall hire a qualified archaeologist to conduct a field investigation. The Community Development Director shall consult with the archaeologist 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 Archaeological documentation. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-J) form and filed with the NWIC.	Incorporated
Cultural Resources	Mitigation Measure CUL – 1.4: Human Remains. 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 Community Development Director 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.	Less than Significant with Mitigation Incorporated
Cultural Resources	Mitigation Measure CUL – 1.5: Report of Archaeological Resources. If archaeological resources are identified, a final report summarizing the discovery of cultural materials shall be submitted to the City's Planning Manager prior to issuance of building permits. This report shall contain a description of the mitigation program that was implemented and its results, including a description of the monitoring and testing program, a list of the resources found and conclusion, and a description of the disposition/curation of the resources.	
Geology and Soils	Mitigation Measure GEO – 1.1: For development under the Downtown Specific Plan, projects with subgrade structures require that the project sponsor prepare a Geotechnical	Less than Significant with Mitigation

Summary of Project Impacts and Mitigation Measures		
Environmental Factor	Mitigation Measures	Level of Environmental Impact
	Study identifying the depth to the seasonal high water table at the project site. No permanent groundwater dewatering would be allowed in the Downtown Specific Plan Area. Instead, all residential uses must be elevated to above the seasonal high water table and all areas for non-residential uses shall be flood proofed and anchored, in accordance with floodplain development requirements, to the design depth as recommended by a geotechnical engineer. Final design shall be prepared by a qualified professional engineer and approved by the Burlingame Department of Public Works prior to receiving a building permit.	Incorporated
Noise and Vibration	<p>Mitigation Measure NV – 1.1: The Project applicant shall incorporate the following practices into the construction documents to be implemented by the project contractor:</p> <ul style="list-style-type: none"> ▪ Maximize the physical separation between noise generators and noise receptors. Such separation includes, but is not limited to, the following measures: <ul style="list-style-type: none"> - 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; - Minimize backing movements of equipment; ▪ Use quiet construction equipment whenever possible; ▪ Impact equipment (e.g., jackhammers 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; ▪ Prohibit unnecessary idling of internal combustion engines; and ▪ Select routes for movement of construction-related vehicles and equipment in conjunction with the Burlingame Community Development Department so that noise-sensitive areas, including residences and schools, are avoided as much as possible. ▪ The project sponsor shall designate a “disturbance coordinator” for construction activities. The coordinator would be responsible for responding to any local complaints regarding construction noise and vibration. The coordinator would determine the cause of the noise or vibration complaint and would implement reasonable measures to correct the problem. ▪ The construction contractor shall send advance notice to neighborhood residents within 50 feet of the project site regarding the construction schedule and including the telephone number for the disturbance coordinator at the construction site. 	Less than Significant with Mitigation Incorporated

Required 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.

In addition, the Planning Commission should look at conformity with Chapter 5 of the Downtown Specific Plan (Design & Character); specifically Section 5.3 (pages 5-17 through 5-21) provides design guidelines for residential areas within the Downtown Specific Plan area. Section 5.4 (pages 5-22 through 5-27) provides more general design guidelines that apply to all areas of the downtown, including residential areas.

Suggested Findings for Design Review: That the proposed condominium building will be compatible with the existing character of the neighborhood with the use of a variety of quality materials including fiber cement lap siding, aluminum and obscured glass railings, and aluminum windows. The new five-story building meets maximum height restrictions and respects the mass and scale of this portion of El Camino Real as a transition area to the downtown core, which allows for multi-family, commercial, and mixed uses. The building includes an articulated front façade, deep upper-floor setbacks, and a circular driveway to provide visual interest. The proposed below-grade parking reduces the visible impact of required parking from the street. For these reasons the project may be found to be compatible with the requirements of the City's four design review criteria.

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

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

Suggested Findings for Condominium Permit:

- *Sound community planning; the economic, ecological, social and aesthetic qualities of the community; and on public health, safety and general welfare* in that the 21-unit residential condominium project is scaled to be compatible with development standards for the Downtown Specific Plan area and features ample landscaping with usable common open space;
- *The overall impact on schools, parks, utilities, neighborhoods, streets, traffic, parking and other community facilities and resources* in that the project site is located in an urban area and is surrounded by commercial and residential development which is served by utility and public services; that the existing two-story 14- unit residential building will be replaced with a five-story building containing 21 residential units on the same lot and therefore can be adequately served by required utility and public services since

the proposed project is only contributing seven net new units on the site; and that a Mitigated Negative Declaration was prepared for the Downtown Specific Plan, which analyzed potential impacts of new infill development and included standard conditions of approval to mitigate potential environmental impacts from projects, and with incorporation of these standard conditions of approval, the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and

- *Conformity with the general plan and density permitted by zoning regulations*, in that the project provides seven additional residential units (14 total) consistent with the applicable general plan and zoning designations.

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

- (a) The proposed use, at the proposed location, will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare or convenience;
- (b) The proposed use will be located and conducted in a manner in accord with the Burlingame general plan and the purposes of this title;
- (c) The planning commission may impose such reasonable conditions or restrictions as it deems necessary to secure the purposes of this title and to assure operation of the use in a manner compatible with the aesthetics, mass, bulk and character of existing and potential uses on adjoining properties in the general vicinity.

Suggested Findings for a Conditional Use Permit for Building Height: The project may be found to be compatible with the requirements of the Conditional Use Permit criteria based on the following:

- that since the proposed building does not exceed the maximum allowed building height of 55'-0" (51'-1" proposed), and the top floor is set back on all sides from the bottom four floors of the structure and meets all required setbacks, and the structure will comply with the California Building and Uniform Fire Codes, the proposal will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare or convenience;
- that since the proposal meets the Goals and Policies of the Downtown Specific Plan to guide growth and development in Downtown Burlingame, the use will be in compliance with the general plan for the area; and
- that conditions of approval have been suggested for consideration to assure that the proposal is compatible with the aesthetics, mass, bulk and character of existing and potential uses on adjoining properties in the general vicinity.

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

- (a) Design Review, Condominium Permit, and Conditional Use Permit.

(b) Tentative Condominium Map and Tentative and Final Parcel Map.

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 April 6, 2020, sheets A-0.0 through A-4.2 and L-1 through L-4; and Boundary and Topographic Survey dated May 15, 2013; and that the plans shall be revised at the time of Building Permit submittal to reflect an average maximum unit size of 1,250 SF and to demonstrate a 5% maximum roof coverage for the elevator and equipment;
2. 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;
3. 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 \$19,379.50, made payable to the City of Burlingame and submitted to the Planning Department;
4. that prior to scheduling the final framing inspection for the condominium building, the applicant shall pay the second half of the Public Facilities Impact fee in the amount of \$19,379.50, made payable to the City of Burlingame and submitted to the Planning Department;
5. that a Tree Protection Plan shall be submitted by the property owner of 556 El Camino Real to the Parks Division for review by the City Arborist at the time of Building Permit submittal; that the plan shall detail any required canopy trimming and shall provide protection measures for Trees 6 and 14 identified in Appendix C, Tree Survey; that these protection measures shall be inspected by a Certified Arborist and verification of their installation shall be submitted to the Planning Division and the City Arborist; that the plan shall require a Certified Arborist to be present on the site to oversee the cutting of any root that exceeds a three-inch diameter for either Tree 6 or Tree 14; and that in the plan the Certified Arborist shall establish a value for each of the two Protected Redwood trees (Tree 6 and Tree 14) to be used by the City Arborist for penalty fees and/or replacement trees in the event that either of the Protected trees are damaged or destroyed by construction;
6. 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;
7. that the applicant shall be responsible for obtaining from Caltrans a tree removal permit for the proposed removal of the Eucalyptus tree on El Camino Real that is within the Caltrans right-of-way, and that the replacement tree shall be an Elm street tree (*Ulmus accolade*) consistent with the Caltrans replacement program specifications for trees along this corridor;
8. that tree protection measures shall be established and maintained throughout the entire length of the project as specified in the Tree Protection Plan in Kielty Arborists Services LLC tree report dated in the June 27, 2016;
9. that the maximum elevation at the top of the parapet for the fifth floor (the last floor containing conditioned living space) shall not exceed elevation 152.00' (for a maximum height of 51'-1"), and the top of the enclosed elevator shall not exceed elevation 156.00', as measured from the average elevation at the top of the curb along El Camino Real (100.91'), and that the top of each floor and final roof parapet shall be surveyed and approved by the City Engineer as the framing proceeds and prior to final framing and roofing inspections. The garage (basement) floor finished floor elevation at the

- bottom of the stacker pit shall not be lower than elevation 84.5'; first (ground) floor finished floor shall be elevation 104.5'. 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;
10. 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;
 11. that the conditions of the Building Division memos dated February 5, 2020, the Parks Division memo dated February 14, 2020; the Public Works Division memo dated February 21, 2020; the Fire Division memo dated March 10, 2020, and the Stormwater Division memo dated July 25, 2019 shall be met;
 12. that storage of construction materials and equipment on the street or in the public right-of-way shall be prohibited;
 13. that the 'service vehicle stall' shall be marked on the service parking space and designated on the final map and plans, this stall shall not be assigned to any unit, but shall be owned and maintained by the condominium association, and the service vehicle stall shall always be accessible for parking and not be separately enclosed or used for resident storage;
 14. that the site driveway should include signage and/or striping to instruct inbound vehicles where to wait so as not to block vehicles exiting the transfer compartment;
 15. that clear signage should be provided at the top of the driveway ramp advising of the applicable size parking system vehicle size limits and whether visitors are permitted to park in the parking system;
 16. that the automated parking entrance shall include means to communicate with drivers the expected wait time, and any malfunction of the parking system;
 17. that the Covenants Conditions and Restrictions (CC&Rs) for the condominium project shall require that the service vehicle stall shall be reserved for service vehicles or guests only and shall not be used by condominium residents, and that parking and/or stopping is not permitted on El Camino Real;
 18. that the final inspection shall be completed and a certificate of occupancy issued before the close of escrow on the sale of each unit;
 19. that the developer shall provide to the initial purchaser of each unit and to the board of directors of the condominium association, an owner purchaser manual which shall contain the name and address of all contractors who performed work on the project, copies of all warranties or guarantees of appliances and fixtures and the estimated life expectancy of all depreciable component parts of the property, including but not limited to the roof, painting, common area carpets, drapes and furniture;
 20. 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;
 21. 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 City Engineer;
 22. that all runoff created during construction and future discharge from the site shall be required to meet

National Pollution Discharge Elimination System (NPDES) standards;

23. that the applicant shall submit an erosion and sedimentation control plan describing BMPs (Best Management Practices) to be used to prevent soil, dirt and debris from entering the storm drain system; the plan shall include a site plan showing the property lines, existing and proposed topography and slope; areas to be disturbed, locations of cut/fill and soil storage/disposal areas; areas with existing vegetation to be protected; existing and proposed drainage patterns and structures; watercourse or sensitive areas on-site or immediately downstream of a project; and designated construction access routes, staging areas and washout areas;
24. that methods and procedures such as sediment basins or traps, silt fences, straw bale dikes, storm drain inlet protection such as soil blanket or mats, and covers for soil stock piles to stabilize denuded areas shall be installed to maintain temporary erosion controls and sediment control continuously until permanent erosion controls have been established;
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;
26. that if construction is done during the wet season (October 15 through April 15), that prior to October 15 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;
27. that common landscape areas shall be designed to reduce excess irrigation run-off, promote surface filtration and minimize the use of fertilizers, herbicides and pesticides;
28. 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;
29. that this project shall comply with Ordinance 1845, the City of Burlingame Water Conservation in Landscaping Regulations, and complete landscape and irrigation plans shall be provided at the time of building permit application;
30. 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;
31. that all new utility connections to serve the site, and which are affected by the development, shall be installed to meet current code standards and local capacities of the collection and distribution systems shall be increased at the developer's expense if necessary;
32. that all utilities to this site shall be installed underground. Any transformers needed for this site shall be installed underground or behind the front setback on this site;
33. that sewer laterals from the site to the public sewer main shall be checked and shall be replaced to city standards as required by the development;
34. that all abandoned utilities and hookups shall be removed;

35. that all drainage (including water from the below grade parking garage) on site shall be required to be collected and pumped to the street as determined by the Public Works Department;
36. that demolition of the existing structures and any grading or earth moving on the site shall be required to comply with all the regulations of the Bay Area Air Quality Management District;
37. that the applicant shall install fire sprinklers and a fire alarm system monitored by an approved central station prior to the final inspection for building permit;
38. that all construction shall abide by the construction hours established in the Municipal Code;
39. that the applicant shall comply with Ordinance 1645, the City of Burlingame Recycling and Waste Reduction Ordinance, and shall submit a waste reduction plan and recycling deposit for demolition and new construction, before receiving a demolition permit;
40. that this project shall comply with Ordinance No. 1477, Exterior Illumination Ordinance; and
41. that the project shall be required to comply with all the standards of the California Building and Fire Codes, in effect at time of building permit issuance, as amended by the City of Burlingame.

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

42. that prior to scheduling the foundation inspection a licensed surveyor shall locate the property corners, set the building envelope;
43. 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 Department;
44. that prior to scheduling the roof deck inspection, a licensed surveyor shall shoot the height of the fifth floor roof parapet and the height of the elevator enclosure, and provide certification of that height to the Building Division;
45. 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;

Conditions Originally Specified as Mitigation Measures from Initial Study

46. *During any construction period which causes ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less than significant level. The contractor shall implement the following best management practices that are required of all projects:*
 - *All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.*
 - *All haul trucks transporting soil, sand, or other loose material off-site shall be covered.*

- *All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.*
 - *All vehicle speeds on unpaved roads shall be limited to 15 mph.*
 - *All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.*
 - *Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.*
 - *All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.*
 - *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.*
47. *The project shall develop a plan demonstrating that the off-road equipment used on-site to construct the project would achieve a fleet-wide average 96 percent reduction in PM2.5 exhaust emissions. One feasible plan to achieve this reduction would include the following:*
- *All mobile diesel-powered off-road equipment larger than 50 horsepower and operating on the site for more than two days continuously shall meet, at a minimum, U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent. The use of equipment that includes CARB-certified Level 3 Diesel Particulate Filters or alternatively-fueled equipment (i.e., non-diesel) would meet this requirement. Other measures may be the use of added exhaust devices, or a combination of measures, provided that these measures are approved by the City and demonstrated to reduce community risk impacts to less than significant (<10.0 in one million increased cancer risk).*
48. *In order to protect nesting birds on and adjacent to the project site the following measures will be implemented:*
- *Pre-construction nesting bird surveys shall be completed prior to tree removal if removal or construction is proposed to commence during the breeding season (February 1 to August 31) in order to avoid impacts to nesting birds. Surveys shall be completed by a qualified biologist no more than 7 days before construction begins. During this survey, the biologist or ornithologist shall inspect all trees and other possible nesting habitats in and within 250 feet of the project boundary.*
 - *If an active nest is found in an area that would be disturbed by construction, the ornithologist shall designate an adequate buffer zone (~250 feet) to be established around the nest, in consultation with the California Department of Fish and Wildlife (CDFW). The buffer would ensure that nests shall not be disturbed until the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts.*

- *The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Community Development, prior to the issuance of a grading permit or demolition permit.*
49. *In order to protect the retained trees on and/or adjacent to the site, the following measures should be implemented:*
- *Tree protection zones shall be established and maintained throughout the entire length of the project. Fencing for the protection zones shall be a six-foot tall metal chain link type supported by two-inch metal poles pounded into the ground by no less than two feet. The support poles shall be spaced no more than 10 feet apart on center. The location for the protection fencing shall be as close to the dripline as possible but still allow room for construction to safely continue. Signs shall be placed on fencing signifying "Tree Protection Zone - Keep Out". No materials or equipment shall be stored or cleaned inside the tree protection zones. Areas outside the fencing but still beneath the drip line of protected trees, where foot traffic is expected to be heavy, shall be mulched with four to six inches of chipper chips.*
 - *Trenching for irrigation, electrical, drainage or any other reason shall be hand dug when beneath the driplines of protected trees. Hand digging and carefully laying pipes below or beside protected roots will dramatically reduce root loss of desired trees thus reducing trauma to the entire tree. Trenches shall be backfilled as soon as possible with native material and compacted to near its original level. Trenches that must be left exposed for a period of time shall also be covered with layers of burlap or straw wattle and kept moist. Plywood over the top of the trench will also help protect exposed roots below.*
 - *Normal irrigation shall be maintained throughout the entire length of the project. The imported trees on this site will require irrigation during the warm season months. Some irrigation may be required during the winter months depending on the seasonal rainfall. During the summer months the trees on this site shall receive heavy flood type irrigation twice a month. During the fall and winter, once a month should suffice. Mulching the root zone of protected trees will help the soil retain moisture, thus reducing water consumption.*
50. *Unique Paleontological and/or Geologic Features and Reporting. Should a unique paleontological resource or site or unique geological feature be identified at the project site during any phase of construction, all ground disturbing activities within 25 feet shall cease and the Community Development Director notified immediately. A qualified paleontologist shall evaluate the find and prescribe mitigation measures to reduce impacts to a less than significant level. The identified mitigation measures shall be implemented. Work may proceed on other parts of the project site while mitigation for paleontological resources or geologic features is carried out. Upon completion of the paleontological assessment, a report shall be submitted to the City and, if paleontological materials are recovered, a paleontological repository, such as the University of California Museum of Paleontology.*
51. *Cultural Sensitivity Training. Prior to any ground-disturbing construction activity on the site, cultural resource sensitivity training for construction personnel on the project shall be completed by a qualified archaeologist. The training shall outline potential indicators of archaeological materials and artifacts to be aware of during grading and excavation activity on the site.*
52. *Undiscovered Archaeological Resources. If evidence of an archaeological site or other suspected cultural*

resource as defined by CEQA Guideline 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 Community Development Director shall be notified. The project sponsor shall hire a qualified archaeologist to conduct a field investigation. The Community Development Director shall consult with the archaeologist 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 Archaeological documentation. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-J) form and filed with the NWIC.

53. *Human Remains.* 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 Community Development Director 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.
54. *Report of Archaeological Resources.* If archaeological resources are identified, a final report summarizing the discovery of cultural materials shall be submitted to the City's Planning Manager prior to issuance of building permits. This report shall contain a description of the mitigation program that was implemented and its results, including a description of the monitoring and testing program, a list of the resources found and conclusion, and a description of the disposition/curation of the resources.
55. *For development under the Downtown Specific Plan,* projects with subgrade structures require that the project sponsor prepare a Geotechnical Study identifying the depth to the seasonal high water table at the project site. No permanent groundwater dewatering would be allowed in the Downtown Specific Plan Area. Instead, all residential uses must be elevated to above the seasonal high water table and all areas for non-residential uses shall be flood proofed and anchored, in accordance with floodplain development requirements, to the design depth as recommended by a geotechnical engineer. Final design shall be prepared by a qualified professional engineer and approved by the Burlingame Department of Public Works prior to receiving a building permit.
56. *The Project applicant shall incorporate the following practices into the construction documents to be implemented by the project contractor:*
 - *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;*
- *Minimize backing movements of equipment;*
- *Use quiet construction equipment whenever possible;*
- *Impact equipment (e.g., jackhammers 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;*
- *Prohibit unnecessary idling of internal combustion engines; and*
- *Select routes for movement of construction-related vehicles and equipment in conjunction with the Burlingame Community Development Department so that noise-sensitive areas, including residences and schools, are avoided as much as possible.*
- *The project sponsor shall designate a “disturbance coordinator” for construction activities. The coordinator would be responsible for responding to any local complaints regarding construction noise and vibration. The coordinator would determine the cause of the noise or vibration complaint and would implement reasonable measures to correct the problem.*
- *The construction contractor shall send advance notice to neighborhood residents within 50 feet of the project site regarding the construction schedule and including the telephone number for the disturbance coordinator at the construction site.*

Erika Lewit
Senior Planner

Attachments:

- Letter of Explanation From Mark Hudak (on behalf of the property owner), dated May 5, 2020
- CityLift Technical Specifications Sheet
- Application to the Planning Commission
- June 11, 2018 Resolutions for 556 El Camino Real
- May 29, 2018 and July 24, 2017 Planning Commission Meeting Minutes
- Staff Comments
- Letters Submitted by Members of the Public
- California Department of Transportation Correspondence Letter, dated March 9, 2017
- Planning Commission Resolutions (Proposed)
- Notice of Public Hearing – Mailed May 1, 2020
- Aerial Map

Separate Attachment:

- Revised Mitigated Negative Declaration and Initial Study (ND-597-P), dated May, 2018